

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,	*	
	*	
Plaintiff,	*	
v.	*	Civil Action Number: 19-1247
	*	
GILBERTO PEREZ-MERCADO	*	
	*	
Defendant.	*	

COMPLAINT

The United States of America brings this action to recover an administrative fine that has become final, and respectfully states the following:

JURISDICTION AND VENUE

1. This is a civil action to recover a civil fine assessed by the United States of America, through the United States Customs and Border Protection ("CBP"), Department of Homeland Security, in the amount of ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED THIRTEEN and 05/100 DOLLARS (\$150,713.05), issued under authority of Section 10 of the Anticounterfeiting Consumer Protection Act, as amended, 19 U.S.C. § 1526(f).
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1345 and 1355.
3. Venue is proper pursuant to 28 U.S.C. § 1395 in that the action accrued in this judicial district and the defendant is believed to be a resident and domiciliary of this district.

THE DEFENDANT

4. The defendant is Gilberto Perez-Mercado, a resident of the Municipality of Corozal, Puerto Rico. Based on information and belief, the defendant resides at Carretera (Street) 800, Km. 2.2, Barrio Palmarito in Corozal, Puerto Rico. Documentary evidence reflects that the

defendant manages a business named DM Perez Distributors Inc., which sells jewelry and other items.¹

FEDERAL STATUTORY AND REGULATORY AUTHORITY

5. A “trademark” is defined as “any word, name, symbol, or device, or any combination thereof – (1) used by a person, or (2) which a person has a bonafide intention to use in commerce and applies to register on the principal register established by this chapter, to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown....” 15 U.S.C. § 1127.

6. The term “mark” includes “any trademark, service mark, collective mark, or certification mark.” 15 U.S.C. § 1127.

7. A “counterfeit trademark” is a “spurious mark which is identical with, or substantially indistinguishable from, a registered mark.” 15 U.S.C. § 1127.

8. The Anticounterfeiting Consumer Protection Act (ACPA), Pub.L.104-153, 110 Stat. 1388, signed into law on July 2, 1996, provides protection to registered trademark holders by directing the seizure and forfeiture of counterfeit trademark merchandise imported into the United States and the issuance of civil penalties against violating importers. The Act (codified at 19 U.S.C. § 1526) provides the following:

(a) Importation prohibited. Except as provided in subsection (d) of this section [addressing a personal use exemption], it shall be unlawful to import into the United States any merchandise of a foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trademark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent and Trademark Office by a person domiciled in the United States... and if a

¹ The CBP’s Tactical Analytical Unit (“TAU”) also found that the company’s registered agent appears to be Crucita Mercado, which is the defendant’s mother, and is the person that appears to have signed the return receipts of CBP’s demand letters. Additionally, the TAU discovered that the defendant used his then twelve (12) years old son’s name on the airway bill and commercial invoice linked to the package containing the counterfeit goods.

copy of the certificate of registration of such trademark is filed with the Secretary of the Treasury [CBP]... unless written consent of the owner of such trademark is produced at the time of making entry

...

(e) Merchandise bearing a counterfeit mark; seizure and forfeiture; disposition of seized goods. Any such merchandise bearing a counterfeit mark (within the meaning of section 1127 of title 15 [defining “mark” to include a trademark]) imported into the United States in violation of the provisions of section 1124 of title 15, shall be seized and, in the absence of written consent of the trademark owner, forfeited for violations of the customs laws. Upon seizure of such merchandise, the Secretary shall notify the owner of the trademark, and shall, after forfeiture, destroy the merchandise.

19 U.S.C. § 1526. See also 19 C.F.R. §§ 133.21-133.26 (regulations implementing statutory seizure and forfeiture provisions).

9. Civil penalties for the infringement of trademark laws are imposed under 19 U.S.C. § 1526(f):

- (1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (c) shall be the subject of a civil fine.
- (2) For the first such seizure, the fine shall not be more than the value that the merchandise would have had if it were genuine, according to the manufacturer’s suggested retail price, determined under regulations promulgated by the Secretary.
- (3) For the second seizure and thereafter, the fine shall not be more than twice the value that the merchandise would have had it been determined to be genuine, as determine under the regulations promulgated by the Secretary.

10. By regulation, the CBP has set the penalty for a first violation at no more than the domestic value of the merchandise as if it had been genuine, based on the Manufacturer’s Suggested Retail Price (“MSRP”). Accordingly, any trademark infringement action may be brought in the appropriate United States District Court to enjoin and seek damages against persons engaged in counterfeiting merchandise. The imposition of a fine is within the discretion

of the CBP, and is in addition to any other civil, criminal or other remedy authorized by law. 19 U.S.C. § 1526(f)(4).

FACTS IN SUPPORT OF THE IMPOSITION OF A CIVIL FINE

11. On February 8, 2016, while performing IPR operation of mail shipments at the DHL Cargo warehouse at the Luis Muñoz Marín International Airport in Puerto Rico, CBP officers inspected and detained a DHL package with Airway Bill # 6072889071 for suspicion of importing counterfeit merchandise. **Exhibit A, DHL Airway Bill, Commercial Invoice, CBP Form 6051D.** The DHL package was addressed to the defendant's minor son at an address in the Municipality of Naranjito, Puerto Rico. The sender shipped the package from Hong Kong, China. Inside the package, a commercial invoice was found identifying the receiver as the defendant's minor son, specifying the quantity of 246 goods with China as the country of origin, and a total declared value of \$191.00.

12. Upon further inspection of the merchandise, CBP discovered a total of 139 assorted pieces of Tiffany & Co. jewelry, 49 assorted pieces of Cartier jewelry, 5 assorted pieces of Michael Kors jewelry, 6 pieces of Tous jewelry, and 4 Harley Davidson bracelets. These trademarks are protected by Customs Recordation number TMK 05-00664, TMK 12-00875, TMK 13-00267, TMK 04-00246, TMK 07-01247, TMK 14-00950 and U.S. Patent and Trademark Office (USPTO) Registration Numbers: 1669365, 1660539, 4052748, 2323330 and 3776794. **Exhibit B, IPRIS Printout.**

13. CBP determined the merchandise was counterfeit, due to the low quality of the products, the packaging method, and the delivery procedures used, which is not common for original merchandise. **Exhibit C, SEACATS Incident Report and Photo.** CBP's Import Specialist

determined that the MSRP of all the goods that were counterfeited totaled a value of \$150,713.05. **Exhibit D, Appraisal.**

14. On March 29, 2016, the CBP Fines, Penalties & Forfeitures Office (“FP&F”) issued a Notice of Seizure to the defendant’s son.² **Exhibit E, Notice of Seizure.** The Notice of Seizure described the merchandise as “bearing a counterfeit trademark that is both registered with the Patent and Trademark Office (PTO) and recorded with Customs and Border Protection. The property contains markings which are substantially indistinguishable from and , therefore, bear a counterfeit design/word/mark as indicated above” and as a result, the merchandise was seized and was subject to forfeiture under 19 U.S.C. § 1526(e). The Notice of Seizure notified the defendant’s minor son of the right to file a petition to seek remission of the forfeiture within thirty (30) days of the notice. CBP did not receive any documents in response to the Notice of Seizure. Thus, on April 19, 2017, CBP forfeited the merchandise. **Exhibit F, Declaration of Administrative Forfeiture.**

15. On November 17, 2017, CBP issued the defendant a CBP Form 5955A, Notice of Penalty or Liquidated Damages Incurred and Demand for Payment, in the amount of \$150,713.05. **Exhibit G, Notice of Penalty.** The amount of the civil penalty took into consideration the appraised value of the merchandise and the fact that it was a first time seizure under 19 U.S.C. § 1526. The CBP form that was issued asserted that the property bore counterfeit versions of U.S. registered trademarks in violation of 19 U.S.C. § 1526(f). Consistent with the statute, the amount of the civil penalty was assessed at the value of the merchandise as if it were genuine according to the MSRP.

² On October 26, 2016, a subsequent Notice of Seizure was sent to the defendant’s mailing address at HC06 Box 14811, Corozal, Puerto Rico 00783, an address the CBP’s TAU found as part of its research. The CBP also used this same address to mail its multiple demand letters. The letters were accepted and received at this address.

16. The defendant failed to respond to the Notice of Penalty. Therefore, FP&F sent to the defendant three bills on February 3, 2018, February 17, 2018, and March 3, 2018. **Exhibit H, FP&F Demand Letters.** The defendant neither responded to the demand letters nor paid the penalty.

17. Subsequently, the CBP's Office of Chief Counsel submitted two (2) additional demand letters to the defendant. The defendant did not provide a response or payment as requested in the letters. **Exhibit I, Assistant Chief Counsel Demand Letters and Violator Response.**

CIVIL PENALTY FOR VIOLATION OF 19 U.S.C. § 1526

18. The allegations of paragraphs 1-17 are fully incorporated herein.

19. Because of the above referenced violation of the Anticounterfeiting Consumer Protection Act (ACPA) and the resulting civil monetary penalty, the defendant is indebted to the United States in the amount of \$150,713.05.

20. The United States has made demand upon the defendant for payment, but the defendant has failed to pay the civil monetary penalty.

21. Accordingly, the United States is entitled to a judgment against the defendant in the amount of \$150,713.05, plus applicable interest and costs.

WHEREFORE, the United States requests judgment against the defendant, Gilberto Perez-Mercado, in the amount of \$150,713.05, together with applicable interest and costs incurred herein, and any other relief the Court may deem just and proper.

Respectfully Submitted,

ROSA E. VÉLEZ-RODRÍGUEZ
UNITED STATES ATTORNEY

/s Jorge L. Matos

Jorge L. Matos
Assistant U.S. Attorney
Civil Division
USDC No. G01307
Torre Chardón, Room 1201
350 Carlos Chardón Avenue
San Juan, PR 00918
787-766-5656
787-766-6219 (Fax)
E-mail: Jorge.L.Matos2@usdoj.gov

Attachment 1:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jorge L. Matos
U.S. Attorney's Office, 350 Chardon Ave, Suite 1201
Hato Rey, PR 00918 Tel: (787) 766-5656

DEFENDANTS

Gilberto Perez-Mercado

County of Residence of First Listed Defendant Corozal, PR
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Section 10 of the Anticounterfeiting Consumer Protection Act, 19 USC Section 1526(f)

Brief description of cause:

Civil action to recover CBP administrative fine that has become final

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 150,713.05 **CHECK YES only if demanded in complaint:** **JURY DEMAND:** ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/19/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Attachment 2:

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

CATEGORY SHEET

You must accompany your complaint with this Category Sheet, and the Civil Cover Sheet (JS-44).

Attorney Name (Last, First, MI): Matos, Jorge L.

USDC-PR Bar Number: G01307

Email Address: Jorge.L.Matos2@usdoj.gov

1. Title (caption) of the Case (provide only the names of the first party on each side):

Plaintiff: United States of America

Defendant: Gilberto Perez-Mercado

2. Indicate the category to which this case belongs:

☒ Ordinary Civil Case

☐ Social Security

☐ Banking

☐ Injunction

3. Indicate the title and number of related cases (if any).

4. Has a prior action between the same parties and based on the same claim ever been filed before this Court?

☐ Yes

☒ No

5. Is this case required to be heard and determined by a district court of three judges pursuant to 28 U.S.C. § 2284?

☐ Yes

☒ No

6. Does this case question the constitutionality of a state statute? (See, Fed.R.Civ. P. 24)

☐ Yes

☒ No

Date Submitted: 3/19/19

Exhibit A:

129, 107, 150,
185, 126

EXPRESS WORLDWIDE **MPX**

FROM LIN JIA HAO
LIN JIA HAO
EASTERN TIME
HUN QIANG ROAD
IF RTO, PLS RTN TO HKG FOR SHIP INQUIRY
HONG KONG
HONG KONG

Sender No 631016670
Payor No 631016670

ORIGIN
HKG

TO: GIAN ALBERTO PEREZ/MAIL BOXES PLUS
GIAN ALBERTO PEREZ/MAIL BOXES PLUS
[REDACTED]
[REDACTED]
00719 KARANJITO
PUERTO RICO

Ph: 7875169479
Sender Reference
30267672

PR-SJU-SJU

C

Shipment Ref: 30267672
Shipment Weight: 5.50kg
Date: 2016-02-01
Pieces: 1/1

Content: SAMPLE OF STAINLESS STEEL BRACELET & EARRINGS & RING-

WAYBILL 6072889071

(2L) PR00719+48000001

3

(J) J001 4600 0028 2635 8308

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BOEING PROTECTION
FINES, PENALTIES AND
FORFEITURE OFFICE

COMMERCIAL INVOICE				
商业发票				
INTERANTIONAL AIR WAYBILL NO.		CONSIGNEE'S COMP ANY NAME AND ADDRESS		
运单号码:	30267672	收件公司名/地址: Carr 152 Km 13.3 Bo. Cedro Arriba Naranjito, PR, Puerto Rico		
SHIPPER / EXPORTER:YUANXIN		ATTN:Gian Alberto Perez/ Mail Boxes Plus ADD: [REDACTED] Naranjito, PR, Puerto Rico TEL: [REDACTED] 邮编: 00719		
DATE OF EXPORTATION				
出口日期:	2016-1-31			
ORIGIN				
始发地:	P.R.C 中国			
NO. OF PKG(S) 件数	DESCRIPTION OF GOODS 货物描述	PCS 数量	UNIT VALUE (USD) 单价	TOTAL VALUE (USD) 总价
1	Stainless steel bracelet	80	US\$1.00	US\$80.00
1	Stainless steel Earrings	6	US\$6.00	US\$6.00
1	Stainless steel ring	110	US\$0.50	US\$55.00
1	Stainless steel jewelry set	6	US\$6.00	US\$6.00
1	Stainless steel necklace	44	US\$1.00	US\$44.00
TOTAL:				US\$191.00

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 US CUSTOMS &
 BORDER PROTECTION
 FINES, PENALTIES AND
 FORFEITURE OFFICE

Exhibit B:

Effective Date: 2/28/2012
 CBP Recordation Expiration Date:
 3/24/2022
 USPTO Registration Expiration Date:
 12/24/2021
 Gray Market Importations
 Restricted: NO

Trademark

Customs Recordation Number: TMK 05-00664

IPRIS Internal

U.S. Patent and Trademark Office Registration Number:

1689365

Title	T & CO.	CBP Provides IPR Protection For The Following:
Product	IC 014.: ALL TYPES OF JEWELRY MADE OF, OR IN PART OF, PRECIOUS METALS AND/OR WITH PRECIOUS OR SEMI-PRECIOUS STONES	
Description	WORD MARK, T & CO.	Countries of manufacture AUSTRIA, BELGIUM, CHINA, CZECH REPUBLIC, ENGLAND, FRANCE, GERMANY, HUNGARY, IRELAND, ITALY, JAPAN, MAURITUS, PORTUGAL, PUERTO RICO, SLOVENIA, SOUTH AFRICA, SPAIN, SWEDEN, SWITZERLAND, THAILAND Licensee(s) 3MC S.R.L., AJKA KRISTALY, ALATRON, ALESSANDRO SARTONI ANTICA DITTA MARCHISIO SPA, ANOTRA, AREMO LTD., ARTE PELLETTIERI S.R.L., AVANT GARDE OPTICS/LUXOTTICA, BELFIORE GIUSEPPE, BORDALO PINHEIRO, CALEGARO, CAPAF SNC, CAPE COBRA, CECCHINATO S.R.L., CELTIC WEAVE CHINA, CHU, CHU'S JADE, COLLE SRL, COLPO, CRISTOFOL FRERES, GEORLAND BELGIUM, FALCIAI ROBERTO, F&R JEWELRY C., LTD., ESTE CERAMICHE PORCELLANE SRL, AKA G.G. FADIGATI, EMIL KRAUS, EMIL BROST, ELOI ABAD, EFFEBI SRL NAPLES, D'OR JOIERS, S.A., DIPLOMAT-HEIT INNOVATIVE BUROPRODUKTE GMBH, DEAKIN AND FRANCIS LTD., DAUB GMBH & CO., KG. DARTINGTON & ROYAL BRIERLY CRYSTAL, CHNILL ORFEBRES, LEU LOCATI SRL, LE TALLEC, LARTIGIANABOTTONI, KUWAYAMA CORP., KRISTALL-GLASFABRIK AMBERG GMBH, IZAWA PIGMENT CO., II GIOIELLO DI FIRENZE SRL, IBB INTERNATIONAL BULLION AND METAL BROKERS CO., LTD., HERMEPIEL, GUANTI GIGLIO FLORENTINO SRL, GIOVANNI DAEMS, NANCY LOPEZ, INC., NAIPES HERACLIO FOURNIER S.A., MOSER COMPANY, MIRARI JAPAN CO., LTD., MESSERI SRL, MANTERO SETS SPA, LOMBARDI SRL, LIMBERTI EVOLUTION GROUP, LILY CREATION LTD., PESAVENTO, PASCIA SRL, PAMPALONI, ORREFORS KOST BODA AB, OLMETTO SPA, OBI SPA, NUOVA CEV, ARL, NORITAKE CO., INC., HIKKIDEMONO, NORITAKE CO., INC., NIKKO CERAMICS, NEWFIELD PEN FACTORY, NEWFIELD
Firm	FROSS ZELNICK LEHRMAN & ZISSU	
Owner Name	TIFFANY (NJ) LLC.	
Contact Name	LAWRENCE E. APOLZON, ESQ. [REDACTED] NEW YORK, NY 10017	
Phone Number	[REDACTED]	
Fax	[REDACTED]	
Email Address	[REDACTED]	

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 FORFEITURE OFFICE

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Intellectual Property Rights (IPR) search - cbp.gov

Page 1 of 2


U.S. Customs and Border Protection
 Securing America's Borders

DHS.gov

IPRIS INTELLECTUAL PROPERTY
 RIGHTS SEARCH

Keyword harley davidson


[HELP](#) | [ABOUT](#) | [PRINT](#) | [IP](#)
[PRODUCT ID MANUALS](#) |
[SERVICE REQUESTS](#)

 Search

 Filter

Effective Date: 8/13/2012

CBP Recordation Expiration Date: 1/16/2022

USPTO Registration Expiration Date:

10/15/2021


Gray Market Importations Restricted: NO

Trademark

Customs Recordation Number: TMK 12-00875

U.S. Patent and Trademark Office Registration Number: 1660539

BACK

<p>Title HARLEY-DAVIDSON MOTOR CYCLES AND SHIELD DESIGN</p> <p>Product IC 008. : KNIVES; NAMELY, BUCK KNIVES, SPORTING ANDHUNTING KNIVES, FOLDING POCKET KNIVES, KNIFE CASES THEREFOR, AND TOOLKITS COMPRISING WRENCHES AND PLIERS.</p> <p>IC 009. : SUNGLASSES, AND MOTORCYCLE PARTS; NAMELY, GAUGES, [IGNITION MODULES, WIRING TURNSIGNALS,] BATTERIES, CRUISE CONTROLS [, AND VACUUM SWITCHES].</p> <p>IC 011. : FLASHLIGHTS.</p> <p>IC 012. : MOTORCYCLES ANDMOTORCYCLE PARTS; NAMELY, [HORNS,] AIR CLEANERS, DRIVE BELTS, BELTGUARDS, BRAKES, [BRAKE CALIPERS, BRAKE CONTROLS, CAM GEARS,] CHAINS, [CHOKES, DRIVE TRAINS,] CLUTCHES [AND CLUTCH CONTROLS], [CONNECTINGRODS, ROCKER ARM COVERS,] CRANKCASES, ENGINE CYLINDERS, [EXHAUSTSYSTEM PARTS,] FENDERS AND FENDER SUPPORTS, [FLYWHEELS,] FOOTBOARDS, FORKS, [FORK ROCKERS, FRAME PARTS,] FUEL TANKS, LEG GUARDS, [GEARSHIFTERS,] HANDLEBARS, CYLINDER HEADS, MIRRORS, OIL FILTERS, OIL PUMPS, [OIL TANKS, PUSH RODS, ROCKER ARMS,] SEATS, SHOCK ABSORBERS, BACKRESTS, [STABILIZER LINKS, TAPPETS, THROTTLE CONTROLS, VALVES,] WHEELS, AND WINDSHIELDS.</p> <p>IC 014. : ANKLE BRACELETS, BRACELETS, EARRINGS, NECKLACES, RINGS, TIE TACKS, WATCH BANDS, WATCHES, WALLCLOCKS, ORNAMENTAL LAPEL PINS [, AND STICK PINS].</p> <p>IC 016. : BOOKS ABOUT MOTORCYCLES, CALENDARS, DECALS, PENS, PHOTO ALBUMS, POSTERS, AND REMOVABLE TATTOOS.</p> <p>IC 018. : HOLDERS FOR CANS IN THENATURE OF A RUBBER CYLINDER, DUFFLE BAGS, GARMENT BAGS, [KEY</p>	<p>CBP Provides IPR Protection For The Following:</p> <p>1.</p> <p></p> <p>Countries of manufacture United States, China, Mexico, Thailand</p> <p>Licensee(s) The list of authorized entities is lengthy and fluid. Please contact H-D Michigan, LLC for a complete and current list.</p> <p>DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS - NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOTORCYCLES" APART FROM THE MARK AS SHOWN.</p> <p>Additional Information</p>
---	--

CASES,]KEY FOBBS, [DENIM PURSES,]
SUITCASES, AND WALLETS.

IC 020. : WALL MIRRORS AND WALL
PLAQUES.

IC 021. : [PEWTERDECANTERS,] DRINKING
GLASSES, MUGS, [PEWTER DRINKING
STEINS, SHAVING BRUSHES, SHAVING
MUGS,] AND CAN HOLDERS IN THE NATURE
OF AN INSULATED RUBBER CYLINDER.

IC 024. : TOWELS.

IC 025. : BELTS, [DECORATIVE BOOT
STRAPS, LEATHER BANDANAS, BOOT TIPS,]
CHAPS, [COVERALLS,] DENIM
PANTS,GLOVES, [HALTER TOPS,] HATS,
CAPS, [HEEL GUARDS, HEEL SPURS,]
JACKETS, NECKTIES, [NIGHT GOWNS,]
NIGHT SHIRTS, PANTS, RAIN SUITS, SHIRTS,
SOCKS, [SOLE PLATES,] SUSPENDERS,
SWEATERS, SWEATSHIRTS, TANKTOPS,
ATHLETIC SHOES, SHOES, BOOTS,
T-SHIRTS, UNDERWEAR, VESTS, AND
WRISTBANDS.

IC 026. : BELT BUCKLES NOT MADE OF
PRECIOUS METAL, BOOT CHAINS, AND
EMBROIDERED PATCHES FOR CLOTHING.

IC 027. : AUTOMOBILE FLOOR MATS.

IC 028. : TOY TRUCKS.

IC 034. : LIGHTER HOLDERS, [ASHTRAYS,]
CIGARETTE CASES, LIGHTER CASES,
LIGHTERS, [SNUFF CAN HOLDERS,] ALL OF
THE FOREGOING NOT BEING MADE OF
PRECIOUS METAL [, AND CIGARETTES].

Description WORD MARK, HARLEY-DAVIDSON MOTOR
CYCLES AND DESIGN; SHIELD WITH THE
WORDS "HARLEY-DAVIDSON MOTOR
CYCLES" SUPERIMPOSED (DESIGN 4).

Firm YES

Owner Name H-D MICHIGAN, LLC

Contact LINDA HEBAN
Name [REDACTED]

Phone [REDACTED]
Number [REDACTED]

Fax [N/A]

Email [REDACTED]
Address [REDACTED]

1/18/2019

Intellectual Property Rights (IPRIS) Internal search - cbp.gov



(https://www.cbp.gov)

Internal

Property

Rights

Internal

Search ()

Keyword: michael kors

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 U.S. Customs and Border Protection | U.S. Department of Homeland Security | U.S. Government | U.S. State Department | U.S. Treasury Department | U.S. Justice Department | U.S. Health and Human Services | U.S. Education Department | U.S. Agriculture Department | U.S. Energy Department | U.S. Environmental Protection Agency | U.S. Labor Department | U.S. Social Security Administration | U.S. Postal Service | U.S. Coast Guard | U.S. Marine Corps | U.S. Navy | U.S. Air Force | U.S. Army | U.S. Space Force | U.S. Intelligence Community | U.S. Cybersecurity and Infrastructure Security Agency | U.S. Secret Service | U.S. Capitol Police | U.S. Marshals Service | U.S. Immigration and Customs Enforcement | U.S. Customs and Border Protection

Technical Support: 1-877-834-6229

Trademark

Customs Recordation Number: TMK 13-00267

U.S. Patent and Trademark Office Registration Number: 4032740 (https://ipris.cbp.dhs.gov/Trademark/index?record=4032740&searchText=undefined&record=undefined)

Back

Effective Date: 03/14/2013

CBP Recordation Expiration Date: 02/02/2022

USPTO Registration Expiration Date: 11/08/2021

Gray Market Importations Restriction: NO

Title:

MICHAEL KORS

Product:

IC 014 : Jewelry.

Description:

MICHAEL KORS - word mark

Disclaimer:

N/A

Firm:

MICHAEL KORS, L.L.C.

Owner:

Michael Kors, L.L.C.

Contact:

JENNA CURTIS

DIRECTOR OF BRAND PROTECTION, THE AMERICAS

MICHAEL KORS LLC, 11 West 42nd Street

New York, New York 10036 USA

Phone: (212) 692-6000

Fax: (212) 692-6001

Email: jenna.curtis@mkllc.com

Website: www.michaelkors.com

CBP Provides IPR Protection For The Following



TMK1300267_2.PDF

TMK1300267_3.PDF

TMK1300267_4.PDF

TMK1300267_5.PDF

Countries of Manufacture

China, Hong Kong

Licensee(s)

Fossil, Inc., Texas, USA, Licensee; Boswell Co Ltd (Dongji), China, Manufacturer; FDT Ltd., Hong Kong, Manufacturer; Fu Yoo Metal Factory (Kem Yuan), China, Manufacturer; Qingdao Hanyuan Art Crafts, China, Manufacturer; Sophisticated Metal Manufacturing (Kam King), China, Manufacturer; Vallram Avant-Garde Sdn Bhd (Vallram - Malaysia), Malaysia, Licensee; American Luxury PTE LTD (Vallram - Singapore), Singapore, Licensee; LLC BNS Trade (Ukraine), Ukraine, Licensee; OISS BNS Group (Russia), Russia, Licensee; OISS BNS Group (Russia) and LLC BNS Trade (Ukraine), Russia, Ukraine, Belarusia and Kazakhstan, Licensee; Demsa IC VE DIS TIC A.S., Turkey, Licensee; El Palacio de Hierro S.A. de C.V., Mexico, Licensee; Gillo So. S.p.A., Milan, Licensee; M.C.T. PZE (Chaitaub Group), United Arab Emirates, Qatar, Bahrain, KSA, Kuwait, Lebanon, Egypt, Jordan, Syria, Yemen, Oman, Licensee; Michael Kors (Switzerland) GmbH, Albania, Andorra, Austria, Belarus, Benelux (Belgium, The Netherlands and Luxembourg), Bosnia and Herzegovina, Bulgaria, Channel Islands, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Gibraltar, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Malta, Moldova, Monaco, Norway, Poland, Portugal, Republic of Ireland, Republic of Macedonia, Romania, Russia, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and United Kingdom, Licensee; Michael Kors (UK) Limited, United Kingdom, Licensee; Michael Kors Japan K.K., Japan, Licensee; Michael Kors (HK) Limited, Hong Kong, Taiwan, Macao, Licensee; Michael Kors (HK) Limited, Hong Kong / Peninsula Store, Licensee; Michael Kors Trading (Shanghai) Company Limited, China, Licensee; Simone PC, South Korea, Licensee; Stores Specialists, Inc., Philippines, Licensee

Additional Information

STANDARD CHARACTER MARK - The name MICHAEL KORS identifies a living individual whose consent is of record.

Accessibility Report (https://www.dhs.gov/sites/default/files/accessibility)

Privacy Statement (https://www.dhs.gov/privacy-policy/index/privacy-statement)

PDS.gov (https://www.dhs.gov)

Trademark Electronic Search System (TESS)

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United States Patent and Trademark Office

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TESS was last updated on Mon Mar 21 03:21:40 EDT 2016

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NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

Logout	Please logout when you are done to release system resources allocated for you.
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Start	List At:	<input type="text"/>	OR	Jump	to record:	<input type="text"/>	Record 101 out of 164
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TSDR	ASSIGN Status	TTAB Status	(Use the "Back" button of the Internet Browser to return to TESS)
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Typed Drawing


Word Mark	MK MICHAEL KORS
Goods and Services	IC 014. US 002 027 028 050. G & S: watches. FIRST USE: 20071025. FIRST USE IN COMMERCE: 20071025
Mark Drawing Code	(1) TYPED DRAWING
Trademark Search Facility Classification Code	LETS-2 MK Two letters or combinations of multiples of two letters
Serial Number	78278276
Filing Date	July 24, 2003
Current Basis	1A
Original Filing Basis	1A;1B;44D
Published for Opposition	November 9, 2004
Registration Number	3535310
Registration Date	November 18, 2008
Owner	(REGISTRANT) Michael Kors, L.L.C. LIMITED LIABILITY COMPANY DELAWARE 11 West 42nd Street New York NEW YORK 10036
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Nancy C. DiConza
Priority Date	January 27, 2003
Prior Registrations	1977507;2547039;AND OTHERS
Type of Mark	TRADEMARK

Effective Date: 5/21/2010
 CBP Recordation Expiration Date:
 5/28/2020
 USPTO Registration Expiration Date:
 2/28/2020
 Gray Market Importations
 Restricted: NO

Trademark**Customs Recordation Number: TMK 07-01247**

IPRIS Internal

**U.S. Patent and Trademark Office Registration Number:
2323330**

Title Product	DESIGN ONLY (BEAR DESIGN) IC 014. PRECIOUS METALS AND THEIR ALLOYS AND OBJECTS MADE OR PLATED WITH PRECIOUS METALS, NAMELY, RINGS BEING JEWELRY, MEDALLIONS, BROOCHES, NECKLACES, SHORT NECKLACES, JEWELRY BRACELETS, FIGURINES, STATUETTES, HAT PINS, ORNAMENTAL LAPEL PINS, JEWELRY LAPEL PINS, TIE PINS, CUFF-LINKS, JEWELRY, COSTUME JEWELRY, PRECIOUS GEMSTONES, WATCHES AND CLOCKS.	CBP Provides IPR Protection For The Following:	
Description Firm	BEAR DESIGN COZEN O'CONNOR / REPRESENTATIVE	1. 	
Owner Name	S. TOUS, S.L.	Countries of manufacture China, Germany, Hong Kong, India, Italy, Spain, Turkey	
Contact Name	DAVID SUNSHINE	Licensee(s) TOUS USA, INC. - subsidiary TOUS MIAMI, LLC - subsidiary JOYERIA TOUS, S.A. - subsidiary	
Phone Number	[REDACTED]	DESIGN ONLY	
Fax	[REDACTED]	Additional Information	
Email Address	[REDACTED]		

2016 MAR -8 AM 10:18
 U.S. CUSTOMS & BORDER PROTECTION
 FINES, PENALTIES AND
 FORFEITURE OFFICE

Intellectual Property Rights (IPR) search - cbp.gov

Page 1 of 1

**U.S. Customs and Border Protection**
Securing America's Borders

DHS.gov

Keyword [HELP](#) | [ABOUT](#) | [PRINT](#) | [ID](#)
[PRODUCT ID MANUALS](#) |
[SERVICE REQUESTS](#)Search Filter

Effective Date: 9/29/2014

CBP Recordation Expiration Date: 7/19/2020

USPTO Registration Expiration Date:
4/19/2020

Gray Market Importations Restricted: NO

Trademark

Customs Recordation Number: TMK 14-00950

U.S. Patent and Trademark Office Registration Number: 3776794

[BACK](#)



Title DESIGN ONLY Product IC 014. JEWELRY, NAMELY, RINGS, BRACELETS, CHARMS, EARRINGS, MADE OF PRECIOUS METALS. FIRST USE: 19701231. FIRST USE IN COMMERCE: 19701231 Description The mark consists of a jewelry item with a series of simulated heads of screws embedded around the outside perimeter. The matter shown by the dotted lines is not a part of the mark and serves only to show the position of the mark. Firm Fross Zelnick Lehman & Zissu, P.C. Owner Name Cartier International N.V. LIMITED LIABILITY COMPANY NETHERLANDS ANTIL Scharlooweg 33 Curacao NETHERLANDS ANTIL(LAST LISTED OWNER) CARTIER INTERNATIONAL A.G. CORPORATION SWITZERLAND HINTERBERGSTRASSE 22, POSTFACH 61 6312 STEIN Contact Name Lawrence E. Apolzon Esq. Phone Number [REDACTED] Fax [N/A] Email Address [REDACTED]	CBP Provides IPR Protection For The Following: <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  1. </div> <div style="text-align: center;">  2. </div> </div> Countries of manufacture France, Switzerland Licensee(s) Cartier International A.G. - trademark owner; and Richemont International SA - parent company of trademark owner Additional Information
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Exhibit C:

OFFICIAL USE ONLY -- SEACATS INFORMATION -- OFFICIAL USE ONLY

<APPROVED> SEACATS - INCIDENT REPORT <APPROVED> PAGE 1
TIN00208

INCIDENT NBR: 2016SZ004460601 FP&P CASE NBR: 2016490810000801
VIOLATOR NAME:
TOPIC: IPR VIOLATION

DATE TIME DATE TIME DATE TIME
SEARCH: / ARREST: / SEIZURE: 02172016/1310
=====

VIOLATOR DATA

LAST NAME: PEREZ
FIRST NAME: GIAN ALBERTO MIDDLE NAME:
CITIZENSHIP: DOB:
STREET ADDRESS: APT/SUITE:
CITY: NARANJITO STATE: PR CNTRY: US ZIP: 00719
VIOLATOR TRAVEL CATEGORY: VIOLATOR STATUS AT ARREST:
LOCAL USE:

=====

SUMMARY DATA

OI OFFICE CODE: CASE #:
PROJECT CODES:
PRIOR INFO: NONE X DEA CUSTOMS TECS NCIC OTHER

NAME-TITLE-AGENCY

DECLARATION TAKEN BY:

ARRESTING OFFICER:

SEIZING OFFICER: ROMAN/B-CBP OFFICER-C

SUPERVISOR: RAMOS/M-SUPVY CBP OFFICER-C

PORT DIRECTOR: J, ECHEVARRIA

TYPE OF INCIDENT: 0 OTHER

DISCOVERY DATE: 02172016

=====

LAW CHARGED	LAW CHARGED	LAW CHARGED
19USC1526 (B) ✓	19USC1595A (C) (2) ✓	17USC602
19CFR133.42		

=====

AGENCY PARTICIPATION

DISCOVERING: CSI

SEIZING: CSI

=====

CONVEYANCE DATA

CONVEYANCE TYPE: 2 EXPRESS CONSIGNMENT

ITINERARY: DATE 02072016 TIME FROM HK HONG KONG SAR

VIA

INBOUND/OUTBOUND: I MAIL SEARCHED:

MAIL DETENTION NUMBER:

AFO/FPO NUMBER:

AIR OR SURFACE: A

TYPE OF PACKAGE: 0 OTHER

OFFICIAL USE ONLY -- SEACATS INFORMATION -- OFFICIAL USE ONLY

2016 FEB 23 PM 9:20

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PORT OF
SPAIN
AND
FOREIGN
OFFICE

MGC

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<APPROVED> SEACATS - INCIDENT REPORT <APPROVED> PAGE 2
TIN00208

INCIDENT NBR: 2016SZ004460601 PP&P CASE NBR: 2016490810000801
VIOLATOR NAME:
TOPIC: IPR VIOLATION

SENDER - BUSINESS NAME: LIN JIA HAO
STREET: HUA QIANG ROAD APT/SUITE:
CITY: HONG KONG STATE: CNTRY: HO ZIP:

ADDRESSEE - PERSON NAME: PEREZ
FIRST NAME: GIAN ALBERTO MIDDLE NAME:
STREET: CITY: APT/SUITE:
CITY: STATE: PR CNTRY: US ZIP: 00719

SEIZURE DATA

REASON FOR EXAM: TYPE OF EXAM:
SEIZURE REFERRED TO OI: FILER CODE:
MANUFACTURER NAME/NBR:
SHIPPER NAME/NBR:
ABANDONED: BLITZ: DOG ALERT: XRAY:
ENFORCEMENT AID USED:
ENTRY NUMBER: ENTRY TYPE:
APPRAISING OFFICER:
MITIGATING OFFICER:
ON SITE MITIGATION:
CITATION ASSOCIATED WITH PENALTY:
PENALTY: PENALTY ASSESSED .00 MITIGATED AMT .00
AMT CLCTD .00 DATE RECEIPT# PRMSRY AMT
PLACE OF DISCOVERY: LOC: PONCE
PLACE OF SEIZURE: LOC: PONCE

1 DESC OF SEIZED ITEM: ASSORTED TIFFANY & CO. JEWELRY
COMM/CD: 7117199000 QTY: 139.00 UM: EA WT DET: PDIN:
COUNTRY OF ORIGIN: HK COUNTRY OF EXPORT: HK COUNTRY OF DESTINATION: PR
DEC VAL: 0 FOR VAL: DOM VAL: 8340
DUTY: 0.00 LEGAL STAT: SZ PHYS STAT: HB CUST: CSI
CONCEAL: I SEC: ENTERED TARIFF #: 7117199000
T.B.S. CODE: 830 INV LIST: N CONCEAL COMM/CDE:

2 DESC OF SEIZED ITEM: ASSORTED CARTIER JEWELRY
COMM/CD: 7117199000 QTY: 49.00 UM: EA WT DET: PDIN:
COUNTRY OF ORIGIN: HK COUNTRY OF EXPORT: HK COUNTRY OF DESTINATION: PR
DEC VAL: 0 FOR VAL: DOM VAL: 2940
DUTY: 0.00 LEGAL STAT: SZ PHYS STAT: HB CUST: CSI
CONCEAL: I SEC: ENTERED TARIFF #: 7117199000
T.B.S. CODE: 830 INV LIST: N CONCEAL COMM/CDE:

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<APPROVED> SEACATS - INCIDENT REPORT <APPROVED> PAGE 4
TIN00208

INCIDENT NBR: 2016SZ004460601 FP&F CASE NBR: 2016490810000801
VIOLATOR NAME:
TOPIC: IFR VIOLATION

the appraisal was requested to the Import Specialist. Inventory of the merchandise is as follows:

Tiffany & Co.

Bracelet with spring 18 ea.

Bracelet w/o spring 20 ea.

Bracelet with diamond and heart design 16 ea.

Bracelet with diamonds 8 ea.

Earrings 6 pairs.

Rings (T-shape) 32 ea.

Rings (Roman Numbers) 19 ea.

Necklace 20 ea.

Cartier.

Rings 33 ea.

Necklace 16 ea.

Michael Kors.

Pendant with Chain and earring 3 sets.

Bracelet 2 ea.

TOUS.

Pendant with Chain and earrings 6 sets

Harley Davidson.

Bracelet 4 ea.

No-Brand Jewelry (Comingle) with packing material.

Bracelet 28 ea.

Rings 26 ea.

Necklace 4 ea.

The items were in violation of 19USC1526 (e) and 19USC1595A(c), therefore were seized and TOT to SPC for disposition, this in concurrence with SCBPO M. Ramos.

=====

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OFFICIAL USE ONLY -- SEACATS INFORMATION -- OFFICIAL USE ONLY

<APPROVED> SEACATS - INCIDENT REPORT <APPROVED>

PAGE 3

TIN00208

INCIDENT NBR: 2016SZ004460601

FP&P CASE NBR: 2016490810000801

VIOLATOR NAME:

TOPIC: IPR VIOLATION

3 DESC OF SEIZED ITEM: ASSORTED MICHAEL KORS JEWELRY

COMM/CD: 7117199000 QTY: 5.00 UM: EA WT DET: PDIN:
 COUNTRY OF ORIGIN: HK COUNTRY OF EXPORT: HK COUNTRY OF DESTINATION: PR
 DEC VAL: 0 FOR VAL: DOM VAL: 150
 DUTY: 0.00 LEGAL STAT: SZ PHYS STAT: HE CUST: CSI
 CONCEAL: I SEC: ENTERED TARIFF #: 7117199000
 T.B.S. CODE: 830 INV LIST: N CONCEAL COMM/CDB:

4 DESC OF SEIZED ITEM: TOUS JEWELRY

COMM/CD: 7117199000 QTY: 6.00 UM: EA WT DET: PDIN:
 COUNTRY OF ORIGIN: HK COUNTRY OF EXPORT: HK COUNTRY OF DESTINATION: PR
 DEC VAL: 0 FOR VAL: DOM VAL: 180
 DUTY: 0.00 LEGAL STAT: SZ PHYS STAT: HE CUST: CSI
 CONCEAL: I SEC: ENTERED TARIFF #: 7117199000
 T.B.S. CODE: 830 INV LIST: N CONCEAL COMM/CDB:

5 DESC OF SEIZED ITEM: HARLEY- DAVIDSON BRACELET

COMM/CD: 7117199000 QTY: 4.00 UM: EA WT DET: PDIN:
 COUNTRY OF ORIGIN: HK COUNTRY OF EXPORT: HK COUNTRY OF DESTINATION: PR
 DEC VAL: 0 FOR VAL: DOM VAL: 140
 DUTY: 0.00 LEGAL STAT: SZ PHYS STAT: HE CUST: CSI
 CONCEAL: I SEC: ENTERED TARIFF #: 7117199000
 T.B.S. CODE: 830 INV LIST: N CONCEAL COMM/CDB:

6 DESC OF SEIZED ITEM: NO-BRAND JEWELRY (COMINGLE)& PACKING MAT

COMM/CD: 7117199000 QTY: 58.00 UM: EA WT DET: PDIN:
 COUNTRY OF ORIGIN: HK COUNTRY OF EXPORT: HK COUNTRY OF DESTINATION: PR
 DEC VAL: 0 FOR VAL: DOM VAL: 2320
 DUTY: 0.00 LEGAL STAT: SZ PHYS STAT: HE CUST: CSI
 CONCEAL: I SEC: ENTERED TARIFF #: 7117199000
 T.B.S. CODE: 830 INV LIST: N CONCEAL COMM/CDB:

TOTALS:	DECLARED VALUE:	0	FOREIGN VALUE:	0
	DOMESTIC VALUE:	14070	DUTY:	0.00

CIRCUMSTANCES/REMARKS:

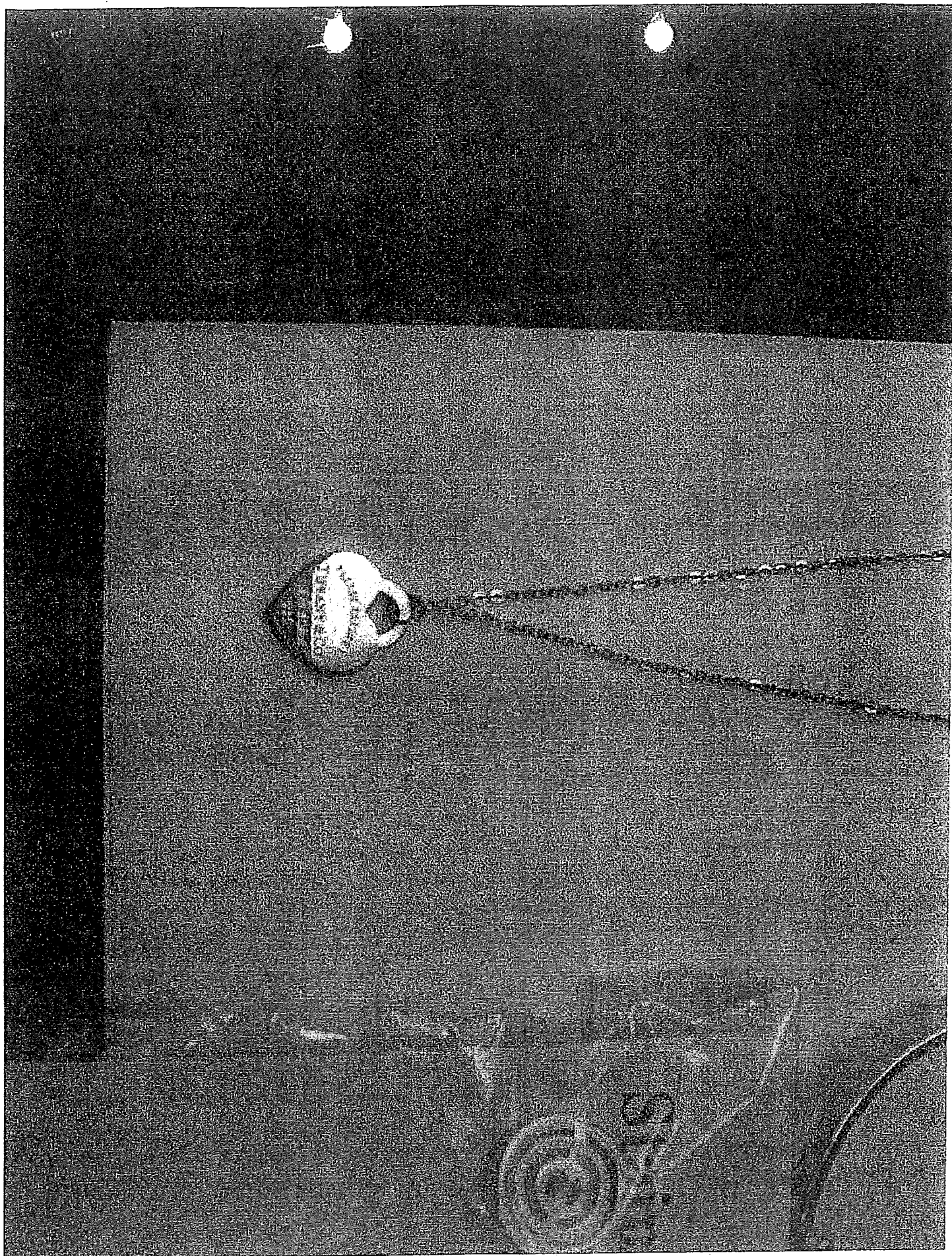
On February 8, 2016 at CBP PSE DHL, one Express Mail Parcel # 6072889071 arriving from Hong Kong, was opened and examined by PSE CBP IPR Express Consignment Team. The mail package was found to contain assorted jewelry. The mail declaration reads, "Stainless Steel Bracelet, Barrings, Ring, Jewelry Set and Necklace", the merchandise was detained under DHS 6051D# 1209545. Among the jewelry were pieces from brands such as Tiffany & Co., Cartier, TOUS, Michael Kors and Harley- Davidson which are protected trademarks. These merchandise was determined to be counterfeit due to value, quality, packing and delivery method. Total Domestic Value for the merchandise was estimated as \$14070.00 and

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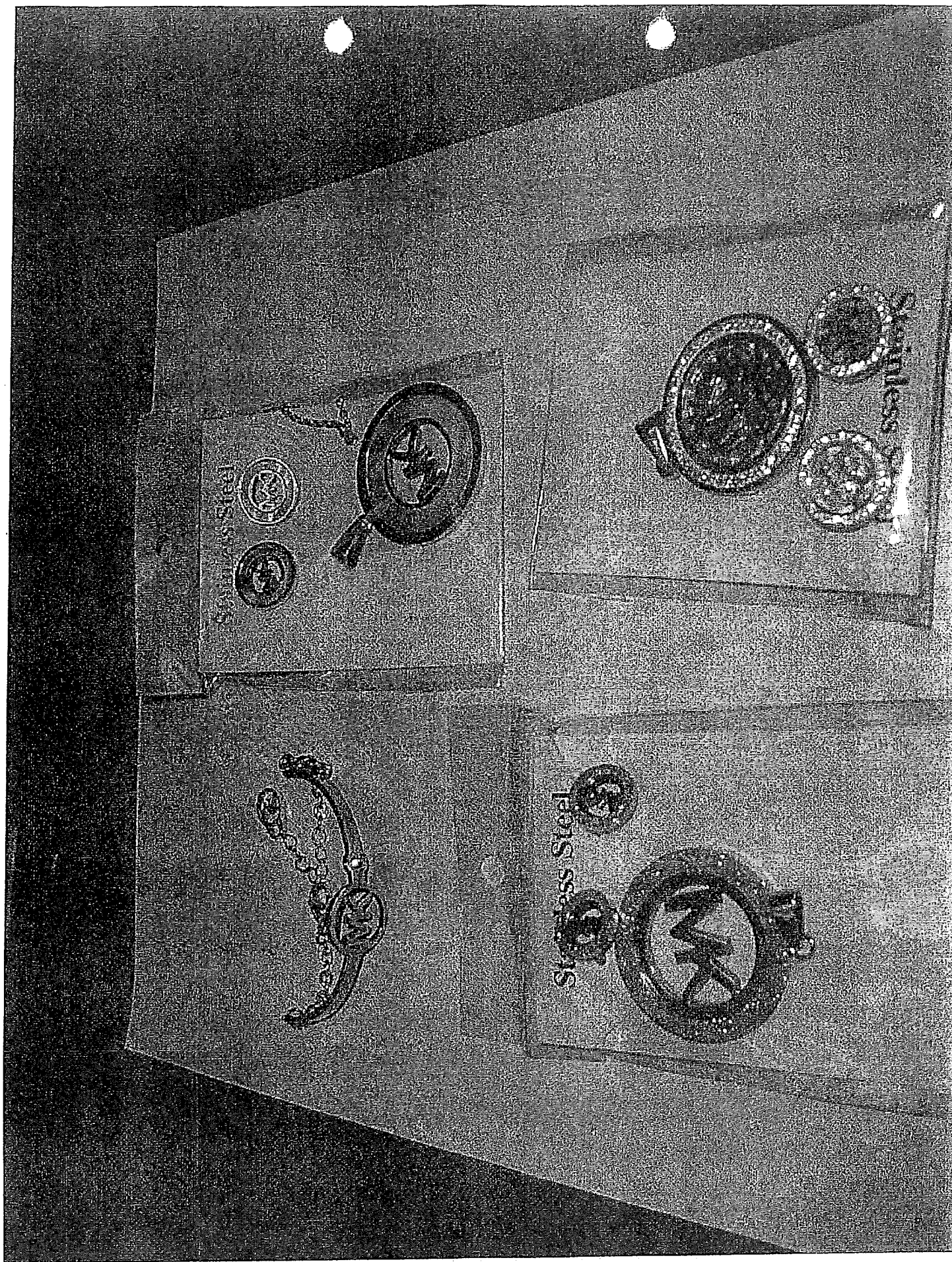
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
FORENSIC OFFICE

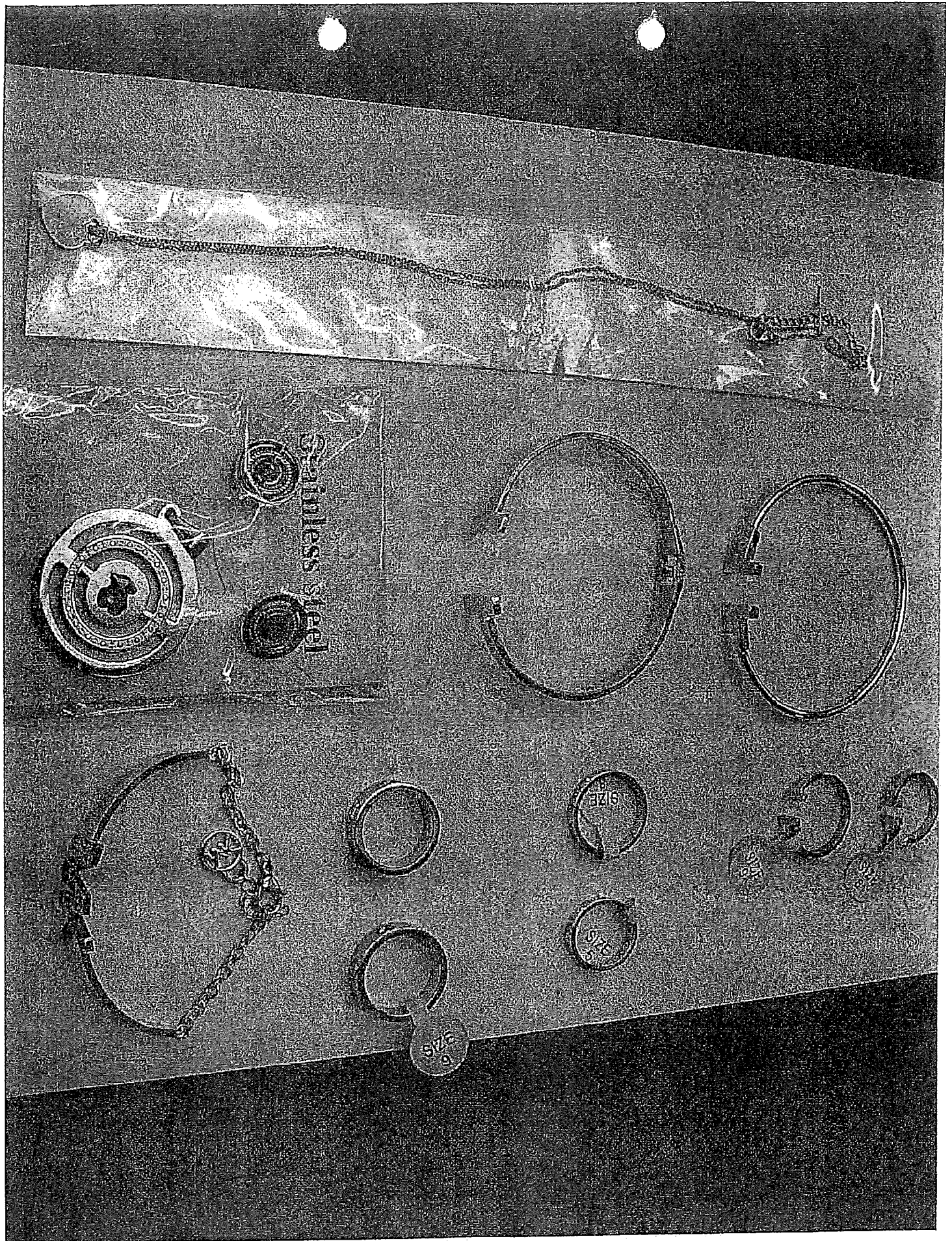
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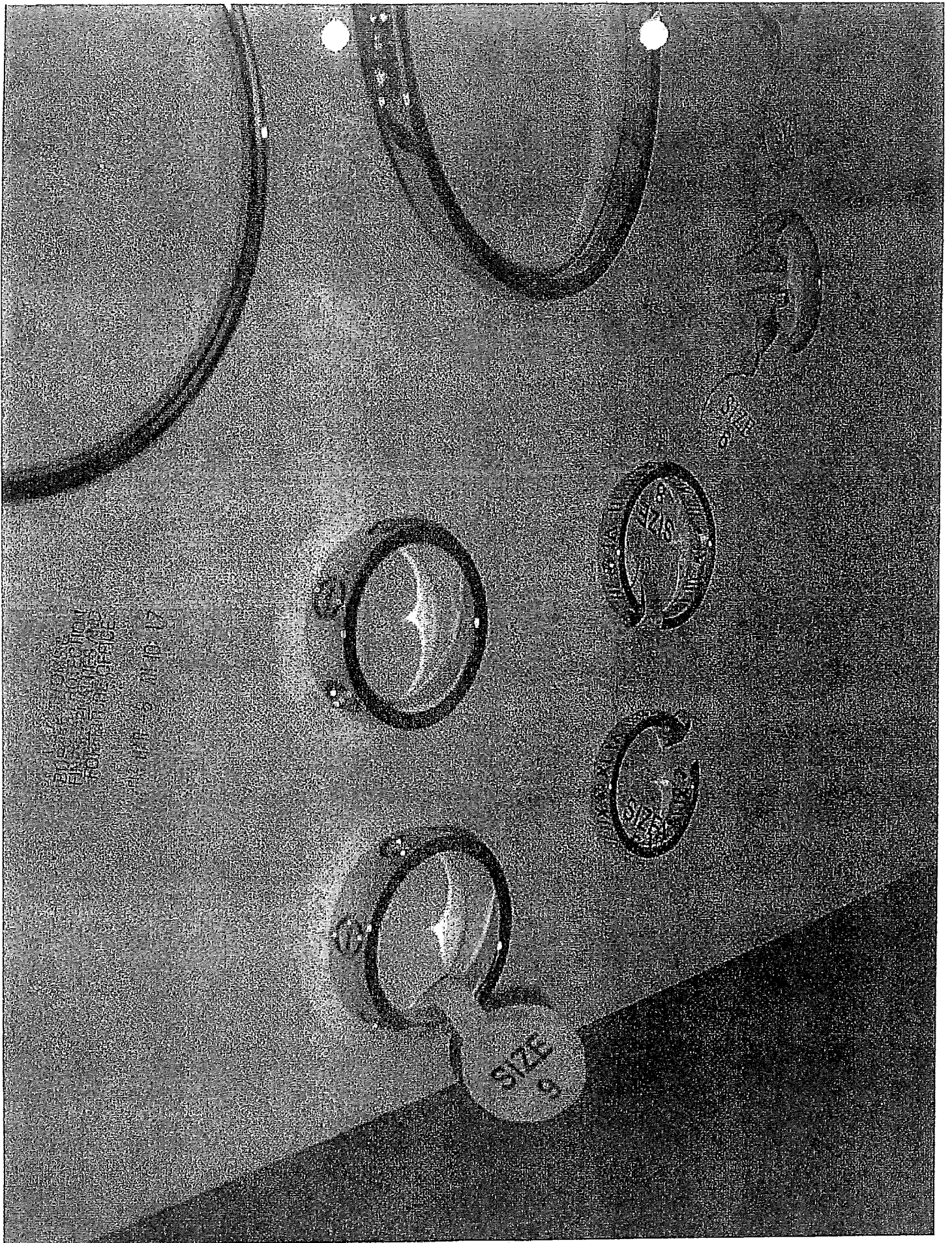
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DATE 03-19-19 BY 60322
TIFANY & CO
NEW YORK

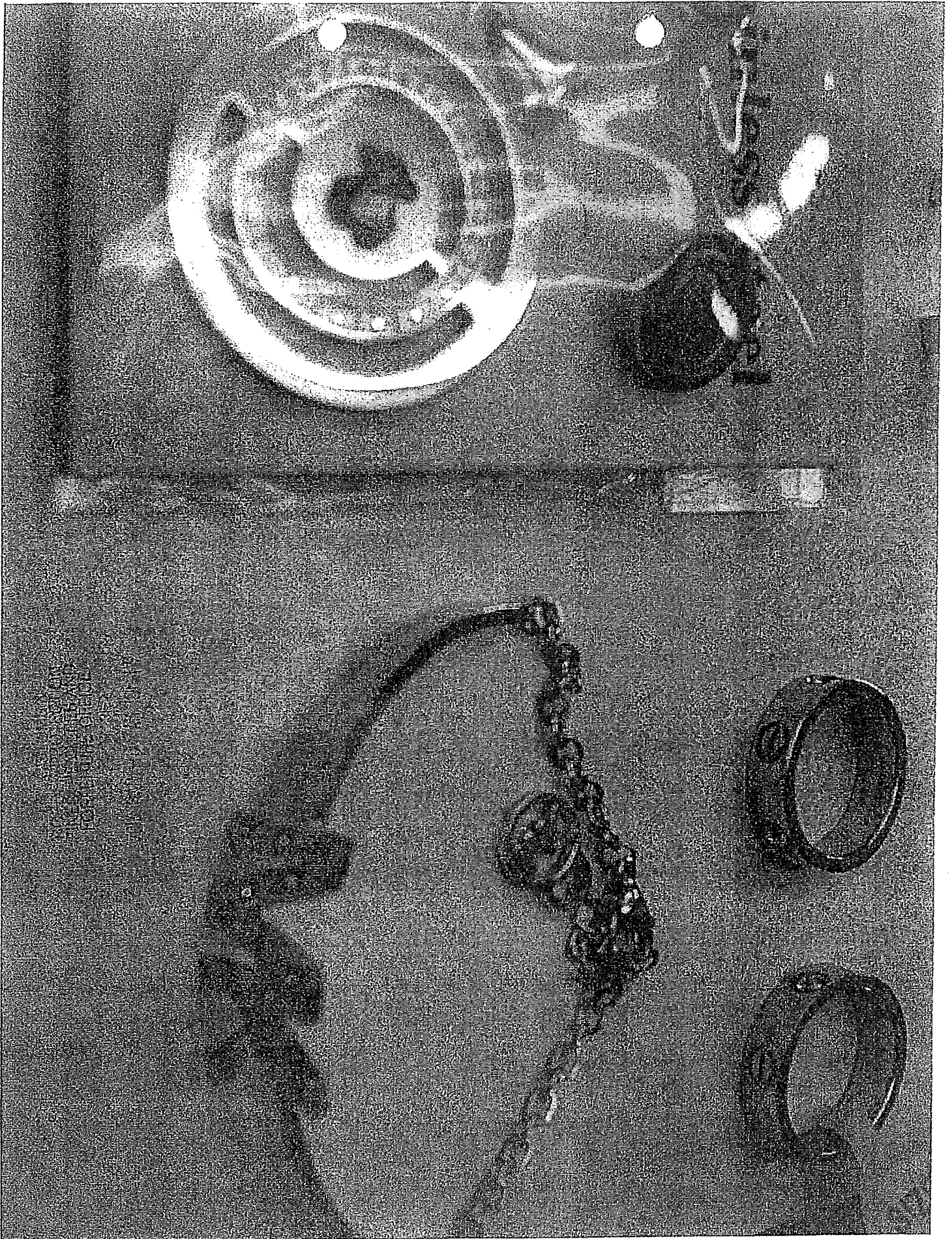


POST OFFICE
BOSTON
RECEIVED









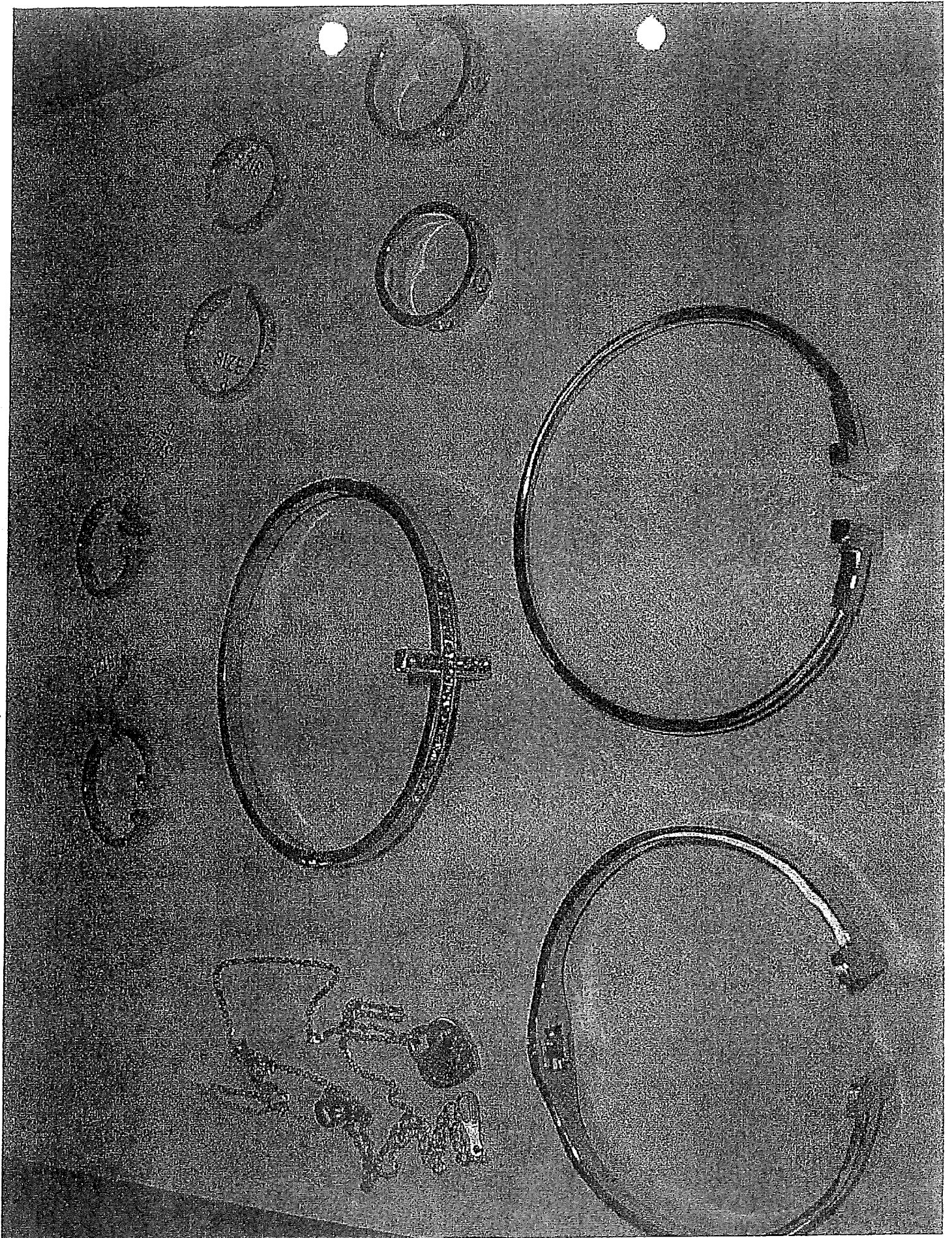


Exhibit D:

Exhibit E:

3 Carr 165, Ste 3000, City View Plz II
Guaynabo, PR 00968-8071



U.S. Customs and
Border Protection

MAR 29 2016

7014 1200 0000 5906 1530

ENF-4-FO:SI:AP:FP: MGC

CERTIFIED MAIL- RETURN SERVICE REQUESTED

Gian Alberto Perez
[REDACTED]
[REDACTED]

Re: Case Number 2016-4908-100008-01

Dear Mr. Perez:

This is to officially notify you that U.S. Customs and Border Protection (CBP) seized the property described below at Ponce, Puerto Rico on February 17, 2016:

- Approximately 139 assorted pieces of Tiffany & Co. jewelry
- Approximately 49 assorted pieces of Cartier jewelry
- Approximately 5 assorted pieces of Michael Kors jewelry
- Approximately 6 pieces of Tous jewelry
- Approximately 4 Harley Davidson bracelets

The appraised domestic value of the property is approximately \$14,070.00.

The property was seized and is subject to forfeiture under the provisions of Title 19, United States Code (U.S.C), Section (§) 1526(e) (19 U.S.C. § 1526(e)), which prohibits the importation of merchandise bearing a counterfeit trademark that is both registered with the Patent and Trademark Office (PTO) and recorded with CBP. The property contains markings which are substantially indistinguishable from and, therefore, bear a counterfeit design/word/mark as indicated below. CBP Regulations provide that any article imported into the United States bearing a counterfeit trademark shall be seized and, in the absence of the written consent of the trademark owner, forfeited for violation of the Customs laws. Listed below is a description of the seized property, a description of the trademark and the name and address of the trademark owner.

Description of Property: Assorted Tiffany & Co. jewelry

Domestic Value: \$8,340.00

Description of Trademark: Word mark, T & Co.

Customs and Border Protection Recordation Number: TMK 05-00664

U. S. Patent & Trademark Office Registration Number: 1669365

Trademark Representative Name: Lawrence E. Apolzon, Esq.

Trademark Representative Address: 866 United Nations Plaza, New York, NY 10017

Description of Property: Assorted Cartier jewelry

Domestic Value: \$2,940.00

Description of Trademark: The mark consists of a jewelry item with a series of a simulated heads of screws embedded around the outside perimeter. The matter shown by the dotted lines is not a part of the mark and serves only to show the position of the mark.

Customs and Border Protection Recordation Number: TMK 14-00950

U. S. Patent & Trademark Office Registration Number: 3776794

Trademark Representative Name: Lawrence E. Apolzon, Esq.

Trademark Representative Address: 866 United Nations Plaza, New York, NY 10017

Description of Property: Tous jewelry

Domestic Value: \$180.00

Description of Trademark: Bear design.

Customs and Border Protection Recordation Number: TMK 07-01247

U. S. Patent & Trademark Office Registration Number: 2323330

Trademark Representative Name: David Sunshine

Trademark Representative Address: 277 Park Avenue, New York, New York 10172

Description of Property: Harley Davidson bracelets

Domestic Value: \$140.00

Description of Trademark: Word mark, Harley-Davidson Motor Cycles and design; shield with the words "Harley-Davidson Motor Cycles" superimposed.

Customs and Border Protection Recordation Number: TMK 12-00875

U. S. Patent & Trademark Office Registration Number: 1660539

Trademark Representative Name: Linda Heban

Trademark Representative Address: 315 W. Huron St. Suite 400, Ann Arbor, Michigan 48103

Furthermore, the property was seized and is subject to forfeiture under the provisions of Title 19, United States Code (U.S.C.), Section (§) 1595a(c)(2)(C) (19 U.S.C. § 1595a(c)(2)(C)), which prohibits the importation of merchandise or packaging wherein copyright, trademark, or trade name protections violations are involved. In this case the merchandise is in violation of 18 U.S.C. § 2320 which prohibits the importation of merchandise bearing a counterfeit trademark that is registered with the Patent and Trademark Office (PTO) but not recorded with CBP. The property contains markings which are substantially indistinguishable from and, therefore, bear a counterfeit design/word/mark as indicated below. CBP Regulations provide that any article imported into the United States bearing a counterfeit trademark shall be seized and, in the absence of the written consent of the trademark owner, forfeited for violation of the Customs laws.

Listed below is a description of the seized property, a description of the trademark and the name and address of the trademark owner.

Description of Property: Michael Kors assorted jewelry

Domestic Value: \$150.00

Description of Trademark: Lets-2 MK Two letters or combinations of multiples of two letters.

U. S. Patent & Trademark Office Registration Number: 3535310

Trademark Representative Name: Michael Kors, L.L.C Limited Liability Company
Delaware

Trademark Representative Address: 11 West 42nd Street New York, New York 10036

Furthermore, the property described below was seized and is subject to forfeiture under the provisions of Title 19, United States Code, Section 1595a(c), for violation of Title 18, United States Code, Section 2320, because there is reason to believe that the property was used to facilitate the importation of IPR infringed merchandise:

- Approximately 58 pieces of no brand jewelry

The facts available to CBP indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the options available to you concerning this seizure. An important document – an “Election of Proceedings” form is enclosed with this letter. You must choose one of the options outlined below, indicate your choice on the “Election of Proceedings” form, and return it and any other necessary documents to CBP within the allotted time frame. Should you choose to abandon the property, you must still complete the “Election of Proceedings” form and return it to CBP.

Your options are as follows:

1. **Petition:** You may file a petition with this office within 30 days from the date of this letter in accordance with 19 U.S.C. § 1618 and 19 C.F.R. §§ 171.1 and 171.2, seeking remission of the forfeiture. The petition does not need to be in any specific form, but it must describe the property involved, identify the date and place of the seizure, include all the facts and circumstances which you believe warrant relief from forfeiture, and must include proof of your interest in or claim to the property. Examples of proof of interest include, but are not limited to a car title, loan agreement, or documentation of the source of funds. If you choose this option, you must check Box 1 on the “Election of Proceedings” form.

By completing Box 1 on the “Election of Proceedings” form, you are requesting administrative processing of your case by CBP. You are requesting that CBP refrain from beginning forfeiture proceedings while your petition is pending or that CBP halt administrative forfeiture proceedings, if they have already commenced. However, if CBP has already referred the matter to the U.S. Attorney’s Office for the institution of judicial forfeiture proceedings, your petition will be forwarded to the U.S. Attorney for consideration.

If you are dissatisfied with the petition decision (initial petition or supplemental petition), you will have an additional 60 days from the date of the initial petition decision, or 60 days from the date of the supplemental petition decision, or such other time as specified by the Fines, Penalties and Forfeitures Officer to file a claim to the property, along with the required cost bond, requesting referral of the matter to the U.S. Attorney's Office for judicial action. If you do not act within these time frames, CBP may forfeit the property to the United States as authorized by law.

At any point prior to the forfeiture of the property, you may request a referral to the U.S. Attorney by filing a claim and cost bond. *Please see section 4 of this letter for information on how to file a claim and cost bond.* If you take such action after filing a petition for relief, your pending petition will be withdrawn from consideration.

2. **Offer in Compromise:** At any time prior to forfeiture, you may file an offer in compromise in accordance with 19 U.S.C. § 1617 and 19 C.F.R. §§ 161.5 and 171.31. The offer must specifically state that you are making it under the provisions of 19 U.S.C. § 1617. If you are offering money in settlement of the case, you must include payment (bank draft, cashier's check or certified check, drawn on a U.S. financial institution, and made payable to CBP) in the amount of your offer. CBP may only consider the amount of your offer and will return the full offer if it is rejected. *This option may serve to delay the case. If you choose this option, you must check Box 2 on the "Election of Proceedings" form.*

If you chose to submit an offer in compromise and are dissatisfied with the offer decision, you will have an additional 30 days from the date of the offer decision to file a claim and bond requesting a referral for judicial action. If you do not act within the additional 30 days, the property may be forfeited to the United States.

You may also request a referral for judicial action at any point prior to the issuance of the offer in compromise decision. *(Please see section 4 of this letter for information on how to file. You may also request a referral for judicial action at any point prior to the issuance of the offer a claim and cost bond.)* If you take such action, your petition or offer will be considered to have been withdrawn.

If, upon receipt of your offer, the matter has already been referred to the U.S. Attorney for the institution of judicial forfeiture proceedings, your offer will be forwarded to the United States Attorney for consideration as an offer of settlement in the judicial case, as appropriate.

3. **Abandon:** You may abandon the property or state that you have no claim or interest in it. *If you choose this option, you should check Box 3 on the "Election of Proceedings" form.* The Government may proceed with forfeiture proceedings or address claims from other parties concerning the property, without further involving you.

4. **Court Action:** You may request to have this matter referred to the U.S. Attorney for institution of judicial forfeiture proceedings by notifying the office identified in this letter, in writing, that you do not intend to file a petition or offer in compromise with CBP or post the value of the merchandise to obtain its release on payment (see below). If you choose this option, you should check Box 4 on the "Election of Proceedings" form.

If you chose this option, you must submit to CBP (at the address provided at the end of this letter) a claim and cost bond in the penal sum of \$5,000 or 10 percent of the value of the claimed property, whichever is less, but in no case shall the amount of the bond be less than \$250.00.

If you file the claim and bond, the case will be referred promptly to the appropriate U.S. Attorney for the institution of judicial proceedings in Federal court to forfeit the seized property in accordance with 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. You may then file a petition for relief with the Department of Justice pursuant to Title 28, Code of Federal Regulations, Part 9 (28 C.F.R. Pt. 9). Failure to submit a bond with the claim will render the request for judicial proceedings incomplete, and therefore, defective. This means that the case will NOT be referred to the appropriate U.S. Attorney.

If you wish the Government to seek judicial forfeiture proceedings but cannot afford to post the bond, you should contact the Fines, Penalties & Forfeitures Officer or Asset Forfeiture Officer of CBP (where applicable) so that CBP can make a determination of your financial ability to pay the bond. If a determination of inability to pay is made, the cost of the bond may be waived in its entirety. The case will be referred promptly and you may then file a petition for relief with the Department of Justice pursuant to 28 C.F.R. Pt. 9.

Take No Action: If you choose to do nothing, CBP may seek to forfeit the property. In order to obtain forfeiture, CBP must publish a notice of seizure and intent to forfeit for 30 consecutive days, and after that time the Government acquires full title to the seized property. The first notice will be posted on or about 30 days from the date of this letter.

For property appraised in excess of \$5,000, CBP will post notice of seizure and intent to forfeit on the internet at www.forfeiture.gov for 30 consecutive days.

For property appraised at \$5000 or less, CBP will post notice of seizure and intent to forfeit in a conspicuous place accessible to the public at the customhouse or Border Patrol sector office (where appropriate) nearest the place of seizure as well as on the internet at www.forfeiture.gov for 30 consecutive days.

Release on Payment: If the seized merchandise is not, by law, prohibited from entry into the commerce of the United States, you may, within 30 days of this letter, submit an offer to pay the full appraised domestic value of the seized property accompanied by the full payment (bank draft, cashier's check or certified check, drawn on a U.S. financial institution, and made payable to CBP) or an irrevocable letter of credit in accordance with 19 U.S.C. § 1614 and 19 C.F.R. § 162.44.

If CBP accepts your offer to substitute release of the seized property on payment, the property will be immediately released, and the payment or letter of credit will be substituted for the seized property. You may still submit a petition, offer in compromise, or file a claim and cost bond requesting that the matter be referred to the U.S. Attorney's Office, and you must check the appropriate box on the "Election of Proceedings" form. The decision letter on your offer will provide you with the time frames for those options.

If, upon receipt of your offer, the matter has already been referred to the U.S. Attorney's Office for the institution of judicial forfeiture proceedings, your offer will be forwarded to the U.S. Attorney for consideration.

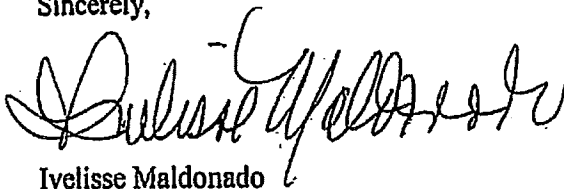
Holder of a Lien or Security Interest: If you are a holder of a lien or security interest and you do not file a request for court action (option 4 above), you may avail yourself of any of the other options listed. No relief will be granted to you until after forfeiture, unless your petition, offer or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner and/or person from whom the property was seized.

No matter which box you check on the enclosed "Election of Proceedings" form, you should sign, date and return the form, along with any petition, offer in compromise, or request for judicial forfeiture proceedings if those documents are necessary to support the option you choose. *If you did not receive this form, please call the telephone number below.*

All accompanying documents, including supporting documents, must be in the English language or accompanied by an English language translation and submitted in duplicate.

All correspondence should be addressed to U.S. Customs and Border Protection, U.S. Customs and Border Protection, Attn: Fines, Penalties and Forfeitures Office, 48 CARR 165 STE 3000, City View Plaza II, Guaynabo, PR 00968-8071. Should further information be required, contact Paralegal Specialist Marlis Garcia. ~~781.285.2000~~ Inquiries should reference the case number.

Sincerely,



Ivelisse Maldonado
Fines, Penalties, and Forfeitures Officer

Enclosure: Election of Proceedings form

A FALSE STATEMENT OR CLAIM MAY SUBJECT A PERSON TO PROSECUTION
UNDER 18 U.S.C. §1001 AND/OR 18 U.S.C. §1621, AND MAY BE PUNISHABLE BY A
FINE AND IMPRISONMENT

ELECTION OF PROCEEDINGS – NON-CAFRA FORM

NOTE: PLEASE READ THE LETTER NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS BEFORE YOU FILL OUT THIS FORM. THIS FORM SHOULD BE COMPLETED AND RETURNED TO U.S. CUSTOMS AND BORDER PROTECTION (CBP), at U.S. Customs and Border Protection, Attn: Fines, Penalties and Forfeitures Office, 48 CARR 165 STE 3000, City View Plaza II, Guaynabo, PR 00968-8071.

I understand that property in which I have an interest has been seized by U.S. Customs and Border Protection (CBP) **2016-4908-100008-01 MGC.**

Check **ONLY ONE** of the five following choices:

- ☐ **1. I REQUEST THAT CBP CONSIDER MY PETITION ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My petition is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by 19 U.S.C. § 1607 and 19 C.F.R. § 162.45, or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. If administrative forfeiture has begun, it will be stopped until my petition is considered. However, I understand that *at any time* I can request, in writing, that you begin administrative forfeiture proceedings, and you will continue to consider my petition. I also understand that *at any time* I can file a claim and bond with CBP and CBP's consideration of my petition will stop and the case will be sent to the U.S. Attorney's Office for court action.
- ☐ **2. I REQUEST THAT CBP CONSIDER MY OFFER IN COMPROMISE ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My offer is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by 19 U.S.C. § 1607 and 19 C.F.R. § 162.45, or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. If administrative forfeiture has begun, it will be stopped until my offer is considered. However, I understand that *while my offer is under consideration* I can request, in writing, that CBP begin administrative forfeiture proceedings, and CBP will continue to consider my offer. I also understand that *while my offer is under consideration* I can file a claim and cost bond with CBP and CBP's consideration of my offer will stop and the case will be sent to the U.S. Attorney's Office for court action.
- ☐ **3. I ABANDON THE PROPERTY AND I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.
- ☐ **4. I REQUEST THAT CBP SEND MY CASE FOR COURT ACTION.** Please immediately refer the case to the U.S. Attorney's Office for the institution of judicial forfeiture proceedings. I am filing/will file a claim and bond with CBP.
- ☐ **5. I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit the property, and consider any petition or offer in compromise which I may timely file. I understand that within thirty (30) days of the first publication of the notice, I can request that CBP send the case to the U.S. Attorney's Office for institution of judicial forfeiture proceedings.

Name (Print)

Date

Signature

78 Carr 165 Ste 3000, City View Plaza II
Guaynabo, PR 00968-8071

OCT 26 2016



**U.S. Customs and
Border Protection**

ENF-4-FO:SJ:AP:FP: MGC

CERTIFIED MAIL- RETURN SERVICE REQUESTED

7015 1520 0002 0317 5335

Gian Alberto Perez

00783

Re: Case Number 2016-4908-100008-01

Dear Mr. Perez:

This is to officially notify you that U.S. Customs and Border Protection (CBP) seized the property described below at Ponce, Puerto Rico on February 17, 2016:

- Approximately 139 assorted pieces of Tiffany & Co. jewelry
- Approximately 49 assorted pieces of Cartier jewelry
- Approximately 5 assorted pieces of Michael Kors jewelry
- Approximately 6 pieces of Tous jewelry
- Approximately 4 Harley Davidson bracelets

The appraised domestic value of the property is approximately \$14,070.00.

The property was seized and is subject to forfeiture under the provisions of Title 19, United States Code (U.S.C), Section (§) 1526(e) (19 U.S.C. § 1526(e)), which prohibits the importation of merchandise bearing a counterfeit trademark that is both registered with the Patent and Trademark Office (PTO) and recorded with CBP. The property contains markings which are substantially indistinguishable from and, therefore, bear a counterfeit design/word/mark as indicated below. CBP Regulations provide that any article imported into the United States bearing a counterfeit trademark shall be seized and, in the absence of the written consent of the trademark owner, forfeited for violation of the Customs laws. Listed below is a description of the seized property, a description of the trademark and the name and address of the trademark owner.

Description of Property: Assorted Tiffany & Co. jewelry

Domestic Value: \$8,340.00

Description of Trademark: Word mark, T & Co.

Customs and Border Protection Recordation Number: TMK 05-00664

U. S. Patent & Trademark Office Registration Number: 1669365

Trademark Representative Name: Lawrence E. Apolzon, Esq.

Trademark Representative Address: 866 United Nations Plaza, New York, NY 10017

Listed below is a description of the seized property, a description of the trademark and the name and address of the trademark owner.

Description of Property: Michael Kors assorted jewelry

Domestic Value: \$150.00

Description of Trademark: Lets-2 MK Two letters or combinations of multiples of two letters.

U. S. Patent & Trademark Office Registration Number: 3535310

Trademark Representative Name: Michael Kors, L.L.C Limited Liability Company
Delaware

Trademark Representative Address: 11 West 42nd Street New York, New York 10036

Furthermore, the property described below was seized and is subject to forfeiture under the provisions of Title 19, United States Code, Section 1595a(c), for violation of Title 18, United States Code, Section 2320, because there is reason to believe that the property was used to facilitate the importation of IPR infringed merchandise:

- Approximately 58 pieces of no brand jewelry

The facts available to CBP indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the options available to you concerning this seizure. An important document – an “Election of Proceedings” form is enclosed with this letter. You must choose one of the options outlined below, indicate your choice on the “Election of Proceedings” form, and return it and any other necessary documents to CBP within the allotted time frame. Should you choose to abandon the property, you must still complete the “Election of Proceedings” form and return it to CBP.

Your options are as follows:

1. **Petition:** You may file a petition with this office within 30 days from the date of this letter in accordance with 19 U.S.C. § 1618 and 19 C.F.R. §§ 171.1 and 171.2, seeking remission of the forfeiture. The petition does not need to be in any specific form, but it must describe the property involved, identify the date and place of the seizure, include all the facts and circumstances which you believe warrant relief from forfeiture, and must include proof of your interest in or claim to the property. Examples of proof of interest include, but are not limited to a car title, loan agreement, or documentation of the source of funds. If you choose this option, you must check Box 1 on the “Election of Proceedings” form.

By completing Box 1 on the “Election of Proceedings” form, you are requesting administrative processing of your case by CBP. You are requesting that CBP refrain from beginning forfeiture proceedings while your petition is pending or that CBP halt administrative forfeiture proceedings, if they have already commenced. However, if CBP has already referred the matter to the U.S. Attorney’s Office for the institution of judicial forfeiture proceedings, your petition will be forwarded to the U.S. Attorney for consideration.

4. **Court Action:** You may request to have this matter referred to the U.S. Attorney for institution of judicial forfeiture proceedings by notifying the office identified in this letter, in writing, that you do not intend to file a petition or offer in compromise with CBP or post the value of the merchandise to obtain its release on payment (see below). If you choose this option, you should check Box 4 on the "Election of Proceedings" form.

If you chose this option, you must submit to CBP (at the address provided at the end of this letter) a claim and cost bond in the penal sum of \$5,000 or 10 percent of the value of the claimed property, whichever is less, but in no case shall the amount of the bond be less than \$250.00.

If you file the claim and bond, the case will be referred promptly to the appropriate U.S. Attorney for the institution of judicial proceedings in Federal court to forfeit the seized property in accordance with 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. You may then file a petition for relief with the Department of Justice pursuant to Title 28, Code of Federal Regulations, Part 9 (28 C.F.R. Pt. 9). Failure to submit a bond with the claim will render the request for judicial proceedings incomplete, and therefore, defective. This means that the case will NOT be referred to the appropriate U.S. Attorney.

If you wish the Government to seek judicial forfeiture proceedings but cannot afford to post the bond, you should contact the Fines, Penalties & Forfeitures Officer or Asset Forfeiture Officer of CBP (where applicable) so that CBP can make a determination of your financial ability to pay the bond. If a determination of inability to pay is made, the cost of the bond may be waived in its entirety. The case will be referred promptly and you may then file a petition for relief with the Department of Justice pursuant to 28 C.F.R. Pt. 9.

Take No Action: If you choose to do nothing, CBP may seek to forfeit the property. In order to obtain forfeiture, CBP must publish a notice of seizure and intent to forfeit for 30 consecutive days, and after that time the Government acquires full title to the seized property. The first notice will be posted on or about 30 days from the date of this letter.

For property appraised in excess of \$5,000, CBP will post notice of seizure and intent to forfeit on the internet at www.forfeiture.gov for 30 consecutive days.

For property appraised at \$5000 or less, CBP will post notice of seizure and intent to forfeit in a conspicuous place accessible to the public at the customhouse or Border Patrol sector office (where appropriate) nearest the place of seizure as well as on the internet at www.forfeiture.gov for 30 consecutive days.

Release on Payment: If the seized merchandise is not, by law, prohibited from entry into the commerce of the United States, you may, within 30 days of this letter, submit an offer to pay the full appraised domestic value of the seized property accompanied by the full payment (bank draft, cashier's check or certified check, drawn on a U.S. financial institution, and made payable to CBP) or an irrevocable letter of credit in accordance with 19 U.S.C. § 1614 and 19 C.F.R. § 162.44.

All correspondence should be addressed to U.S. Customs and Border Protection, U.S. Customs and Border Protection, Attn: Fines, Penalties and Forfeitures Office, 48 CARR 165 STE 3000, City View Plaza II, Guaynabo, PR 00968-8071. Should further information be required, contact Paralegal Specialist Marlis Garcia [REDACTED]. Inquiries should reference the case number.

Sincerely,



Ivelisse Maldonado
Fines, Penalties, and Forfeitures Officer

Enclosure: Election of Proceedings form

**A FALSE STATEMENT OR CLAIM MAY SUBJECT A PERSON TO PROSECUTION
UNDER 18 U.S.C. §1001 AND/OR 18 U.S.C. §1621, AND MAY BE PUNISHABLE BY A
FINE AND IMPRISONMENT**

Exhibit F:

**U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
DECLARATION OF ADMINISTRATIVE FORFEITURE
(Property Valued at more than \$5,000)**

Case Number: 2016490810000801

Notice of Seizure and Intent to Forfeit was published at www.forfeiture.gov as required by law on the following dates: 3/3/2017 to 4/1/2017

In accordance with the provisions of Title 19, United States Code, Sections 1607 and 1609 (19 U.S.C. §§ 1607, 1609) and Title 19, Code of Federal Regulations, Section 162.45 (19 C.F.R. § 162.45), the following described property is declared forfeited for violation(s) as listed below.

20164908100008010010000; Seized On 20160217 At the port of PONCE, PR; ASSORTED TIFFANY & CO. JEWELRY; ; 1; BX; Valued at \$8340; For violation of 19 U.S.C. 1526(E)
20164908100008010020000; Seized On 20160217 At the port of PONCE, PR; ASSORTED CARTIER JEWELRY; ; 1; BX; Valued at \$2940; For violation of 19 U.S.C. 1526(E)
20164908100008010030000; Seized On 20160217 At the port of PONCE, PR; ASSORTED MICHAEL KORS JEWELRY; ; 1; BX; Valued at \$150; For violation of 19 U.S.C. 1526(E)
20164908100008010040000; Seized On 20160217 At the port of PONCE, PR; TOUS JEWELRY; ; 1; BX; Valued at \$180; For violation of 19 U.S.C. 1526(E)
20164908100008010050000; Seized On 20160217 At the port of PONCE, PR; HARLEY- DAVIDSON BRACELET; ; 1; BX; Valued at \$140; For violation of 19 U.S.C. 1526(E)
20164908100008010060000; Seized On 20160217 At the port of PONCE, PR; NO-BRAND JEWELRY (COMINGLE)& PACKING MAT; ; 1; BX; Valued at \$2320; For violation of 19 U.S.C. 1595A(C); 18 U.S.C. 2320

IVELISSE MALDONADO

Fines, Penalties & Forfeitures Officer.

APR 19 2017

Forfeiture Date: _____

Page: 1

Exhibit G:

DEPARTMENT OF HOMELAND SECURITY U.S. CUSTOMS AND BORDER PROTECTION		CASE NUMBER 201849030000561	FBI
NOTICE OF PENALTY OR LIQUIDATED DAMAGES INCURRED AND DEMAND FOR PAYMENT		PORT CODE AND NAME 4505 SAN JUAN, PR	
19 USC 1618, 19 USC 1623 GILBERTO PEREZ-MERCEDO PR 00783		INVESTIGATION FILE NO.	
<p>DEMAND IS HEREBY MADE FOR PAYMENT OF \$250,713.05, REPRESENTING PENALTIES ASSESSED AGAINST YOU FOR VIOLATION OF LAW OR REGULATION, OR BREACH OF BOND, AS SET FORTH BELOW:</p> <p>ON FEBRUARY 17, 2016 U.S. CUSTOMS AND BORDER PROTECTION (CBP) SEIZED COUNTERFEIT MERCHANDISE. THE PROPERTY WAS SEIZED UNDER 2016-4306-100008-01. A NOTICE OF SEIZURE WAS SENT TO ALL INTERESTED PARTIES ON OCTOBER 26, 2016. PROSECUTION PROCEEDINGS WERE INITIATED AND THE PROPERTY WAS DECLARED FORFEITED TO THE GOVERNMENT ON APRIL 19, 2017. A PENALTY IS ASSESSED UNDER 19USC1526 (P) WHICH ALLOWS FOR A CIVIL PENALTY AGAINST "ANY PERSON WHO DIRECTLY, ASSISTED FINANCIALLY OR OTHERWISE, OR AIDED OR ABETTED THE IMPORTATION OF MERCHANDISE FOR SALE OR PUBLIC DISTRIBUTION" THAT BEARS A COUNTERFEIT MARK. THE AMOUNT IS BASED ON THE NEAR VALUE THE MERCHANDISE WOULD HAVE HAD, IF IT WERE GENUINE.</p> <p>OTHER PENALTY VIOLATION</p>			
LAW OR REGULATION VIOLATED OTHERS: 19USC1526 (P)	BOND TYPE:	BOND BREAKDOWN	
DESCRIPTION OF BOND:	FORM NUMBER:	AMOUNT:	DATE:
NAME AND ADDRESS OF PRINCIPAL ON BOND			
NAME AND ADDRESS OF SURETY OR BOND			
SURETY NO.			
<p>IF YOU FEEL THERE ARE EXISTING CIRCUMSTANCES, YOU HAVE THE RIGHT TO OBJECT TO THE ABOVE ACTION. YOUR PETITION SHOULD EXPLAIN WHY YOU SHOULD NOT BE PENALIZED FOR THE CITED VIOLATION. WRITE THE PETITION AS A LETTER OR IN LOCAL FORM, SUBMIT IN (DUPLICATES) ADDRESSED TO THE COMMISSIONER OF CUSTOMS AND BORDER PROTECTION, AND FORWARD TO THE PEA OFFICER AT: US CBP / PEA OFFICE, 446 CARR LEE STE. 300008, GUAYAMA, PR 00983.</p> <p>UNLESS THE AMOUNT HEREIN DEMANDED IS PAID OR A PETITION FOR RELIEF IS FILED WITH THE PEA OFFICER WITHIN THE INDICATED TIME LIMIT, FURTHER ACTION WILL BE TAKEN IN CONNECTION WITH BOND OR PAYMENT WILL BE REFERRED TO US ATTORNEY.</p> <p>THE LIMIT FOR PAYMENT OR FILING PETITION, 60 DAYS FROM DATE OF THIS NOTICE.</p> <p>SIGNATURE: _____ TITLE: _____ DATE: _____</p> <p>STRAIN RINGS _____ PEA OFFICER _____ 11/17/2017</p>			

"The Small Business and Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement activities and rate each agency's responsiveness to small businesses. If you wish to comment on the enforcement actions of U.S. Customs and Border Protection, call 1-888-REG-FAIR (888-734-3247).

"Please note: The National Ombudsman/RegFair Board process has no effect on your rights or obligations under the procedures of the agency on which you are commenting. You must still comply with all of that agency's processes and procedures."

Exhibit H:



U.S. Customs and Border Protection

US CBP / FP&F OFFICE
#48 CARR 165 STE 300008
CITY VIEW PLAZA II
GUAYNABO PR 00968

MGC

This Bill is a notice of debt currently owed to U.S. Customs and Border Protection (CBP).

1 1 SP 0.470 P1 T1 ***
BILL TO: PEREZ-MERCADO, GILBERTO
[REDACTED] 00783
[Barcode]

Importer Number:

Bill Number: FP80310893

Bill Date: 02/03/2018

Port of Service/Charge: 4909

For Bill Inquiries Please Contact the CBP Port Office at (787) 729-6915.

Transaction Date	Reference Name	Transaction Identification	Type of Charge	Amount
02/17/2016	FPF CASE	2018490930000501	PENALTY	150713.05

APPROPRIATE ACTION WAS NOT TAKEN ON THE ASSESSED CLAIM.
THE CLAIM IS DUE AND PAYABLE WITHIN TEN (10) DAYS FROM
THE DATE OF THIS DEMAND.

VIOLATOR: PEREZ-MERCADO, GILBERTO
VIOLATION(S): OTHERPEN 19USC1526(F)
☐ VIOLATION DATE: 02-17-2016

FIRST NOTICE

Pay Full Amount Due upon Receipt: 150713.05

PAYER'S COPY

CBP FORM 6084SC (03/12)

Enclose this portion with remittance

Bill Date: 02/03/2018
Bill To: PEREZ-MERCADO, GILBERTO
HC 06 BOX 14811
COROZAL PR 00783

Bill Number: FP80310893
Transaction Identification: 2018490930000501
FIRST NOTICE
Amount Due: 150713.05
Amount Enclosed: _____

US CBP / FP&F OFFICE
#48 CARR 165 STE 300008
CITY VIEW PLAZA II GUAYNABO PR 00968

PLEASE ADVISE OF ANY ADDRESS CHANGE

CBP FORM 6084SC (03/12)





U.S. Customs and Border Protection

US CBP / FP&F OFFICE
#48 CARR 165 STE 300008
CITY VIEW PLAZA II
GUAYNABO PR 00968

MGC

This Bill is a notice of debt currently owed to U.S. Customs and Border Protection (CBP).

1 1 SP 0.470 P1 T1 ***
BILL TO: PEREZ-MERCADO, GILBERTO
 00783


Importer Number:
Bill Number: FP80310893
Bill Date: 02/17/2018
Port of Service/Charge: 4909

For Bill Inquiries Please Contact the CBP Port Office at (787) 729-6915.

Transaction Date	Reference Name	Transaction Identification	Type of Charge	Amount
02/17/2016	FPF CASE	2018490930000501	PENALTY	150713.05

THIS CLAIM IS DELINQUENT. IF NOT SATISFIED
IMMEDIATELY, SANCTIONS MAY BE PROPOSED AND THE CLAIM
REFERRED FOR LEGAL ACTION.

VIOLATOR: PEREZ-MERCADO, GILBERTO
VIOLATION(S): OTHERPEN 19USC1526(F)
☐ VIOLATION DATE: 02-17-2016

SECOND NOTICE ISSUED:

Pay Full Amount Due upon Receipt: 150713.05

PAYER'S COPY

CBP FORM 6084SC (03/12)

Enclose this portion with remittance

Bill Date: 02/17/2018
Bill To: PEREZ-MERCADO, GILBERTO
HC 06 BOX 14811
COROZAL PR 00783

Bill Number: FP80310893
Transaction Identification: 2018490930000501
SECOND NOTICE ISSUED:
Amount Due: 150713.05
Amount Enclosed: _____

US CBP / FP&F OFFICE
#48 CARR 165 STE 300008
CITY VIEW PLAZA II GUAYNABO PR 00968

PLEASE ADVISE OF ANY ADDRESS CHANGE

CBP FORM 6084SC (03/12)



U.S. Customs and Border Protection

US CBP / FP&F OFFICE
#48 CARR 165 STE 300008
CITY VIEW PLAZA II
GUAYNABO PR 00968

MGC

This Bill is a notice of debt currently owed to U.S. Customs and Border Protection (CBP).

1 1 SP 0.470 P1 T1 ***	
BILL TO:	PEREZ-MERCADO, GILBERTO
	PR 00783

Importer Number:

Bill Number: FP80310893

Bill Date: 03/03/2018

Port of Service/Charge: 4909

For Bill Inquiries Please Contact the CBP Port Office at (787) 729-6915.

Transaction Date	Reference Name	Transaction Identification	Type of Charge	Amount
02/17/2016	FPF CASE	2018490930000501	PENALTY	150713.05

FINAL DEMAND - DELINQUENT ACCOUNT. CLAIM WILL BE REFERRED FOR SANCTIONS AND LEGAL ACTION TEN (10) DAYS FROM THE DATE OF THIS DEMAND.

VIOLATOR: PEREZ-MERCADO, GILBERTO
VIOLATION(S): OTHERPEN 19USC1526(F)
☐ VIOLATION DATE: 02-17-2016

THIRD NOTICE ISSUED:

Pay Full Amount Due upon Receipt: 150713.05

PAYER'S COPY

CBP FORM 6084SC (03/12)

Enclose this portion with remittance

Bill Date: 03/03/2018
Bill To: PEREZ-MERCADO, GILBERTO
HC 06 BOX 14811
COROZAL PR 00783

Bill Number: FP80310893
Transaction Identification: 2018490930000501
THIRD NOTICE ISSUED:
Amount Due: 150713.05
Amount Enclosed: _____

US CBP / FP&F OFFICE
#48 CARR 165 STE 300008
CITY VIEW PLAZA II GUAYNABO PR 00968

PLEASE ADVISE OF ANY ADDRESS CHANGE

CBP FORM 6084SC (03/12)

Exhibit I:

48 Carr 165, Ste. 3000
City View Plaza II
Guaynabo, PR 00968-8071



**U.S. Customs and
Border Protection**

PR 2018-00550 KIT

October 19, 2018

Gilberto Perez Mercado

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ 00783

**Re: Notice of Penalty Incurred and Demand for Payment in the Amount of \$150,713.05
(FP&F Case No. 2018-4909-300005-01)**

Dear Mr. Perez-Mercado:

On November 17, 2017, U.S. Customs and Border Protection (CBP) sent to you Customs Form 5955A, "Notice of Penalty or Liquidated Damages Incurred and Demand for Payment," indicating that a monetary penalty had been assessed against you in the amount of \$150,713.05.00. The penalty was issued pursuant to Section 1526(f) of Title 19, United States Code (U.S.C.), as you imported counterfeit products for commercial purposes. In addition to the penalty notice, three additional bills were sent to you on February 3, 2018, February 17, 2018, and March 3, 2018, requesting payment of the penalty.

According to CBP records, on February 17, 2016, you imported 139 counterfeit assorted pieces of Tiffany & Co. jewelry, 49 counterfeit assorted pieces of Cartier jewelry, five counterfeit assorted pieces of Michael Kors jewelry, six counterfeit pieces of Tous jewelry, and four counterfeit Harley Davidson bracelets. Pursuant to 19 U.S.C. § 1526(e), CBP shall seize and forfeit imported merchandise that bears a counterfeit trademark that is both registered with the Patent Trade Office (PTO) and recorded with CBP. Based on this legal authority, on April 19, 2017, CBP administratively forfeited the counterfeit goods. Subsequently, on November 17, 2017, the above-described penalty was assessed against you. To date, CBP has not received a payment for the penalty amount.

Within 30 days of your receipt of this letter, please contact the attorney listed below to discuss the status of this case. You have the option to make full payment of the penalty; however, you may also make a supplemental petition if certain requirements are met. The attorney can discuss these requirements with you or your legal representative when you contact him.

If we do not receive a response within 30 days, we will ask that the United States Attorney file a complaint against you, in your personal capacity, in U.S. District Court, District of Puerto Rico, for collection of the full amount of the penalty (\$150,713.05).

We would appreciate your cooperation to avoid litigation. For your reference, we have enclosed copies of the initial Notice of Penalty that was sent to you.

Should you, or your legal representative, have any questions regarding this matter, please contact me (Senior Attorney - Kiry Isaac Tous) ~~XXXXXXXXXX~~. All correspondence with regard to this matter should be sent to me as well. We strongly encourage you to either pay the penalty in its entirety or contact me within 30 days to avoid litigation. Please note that any payment that you elect to submit must be made by certified check or money order, payable to "U.S. Customs and Border Protection."

Sincerely,

A handwritten signature in black ink, appearing to be 'Kiry Isaac Tous', written over a horizontal line.

Kiry Isaac Tous
Senior Attorney

Enclosures

48 Carr 165, Ste. 3000
City View Plaza II
Guaynabo, PR 00968-8071



**U.S. Customs and
Border Protection**

PR 2018-00550 KIT

December 7, 2018

Gilberto Perez-Mercado

00783

**Re: Notice of Penalty Incurred and Demand for Payment in the Amount of \$150,713.05
(FP&F Case No. 2018-4909-300005-01)**

FINAL NOTICE

Dear Mr. Perez-Mercado:

On November 17, 2017, U.S. Customs and Border Protection (CBP) sent to you Customs Form 5955A, "Notice of Penalty or Liquidated Damages Incurred and Demand for Payment," indicating that a monetary penalty had been assessed against you in the amount of \$150,713.05.00. The penalty was issued pursuant to Section 1526(f) of Title 19, United States Code (U.S.C.), as you imported counterfeit products for commercial purposes. In addition to the penalty notice, three additional bills were sent to you on February 3, 2018, February 17, 2018, and March 3, 2018, requesting payment of the penalty.

According to CBP records, on February 17, 2016, you imported 139 counterfeit assorted pieces of Tiffany & Co. jewelry, 49 counterfeit assorted pieces of Cartier jewelry, five counterfeit assorted pieces of Michael Kors jewelry, six counterfeit pieces of Tous jewelry, and four counterfeit Harley Davidson bracelets. Pursuant to 19 U.S.C. § 1526(e), CBP shall seize and forfeit imported merchandise that bears a counterfeit trademark that is both registered with the Patent Trade Office (PTO) and recorded with CBP. Based on this legal authority, on April 19, 2017, CBP administratively forfeited the counterfeit goods. Subsequently, on November 17, 2017, the above-described penalty was assessed against you. To date, CBP has not received a payment for the penalty amount. Furthermore, on or about October 22, 2018, our office sent to you a demand letter.

Please be advised that pursuant to 19 U.S.C. § 1618, you may submit an offer to mitigate this penalty for another amount. If you are interested in further mitigating the penalty of \$150,713.50, you must submit your written offer to our office within 15 days of your receipt of this letter. The Agency, upon receipt of your offer, will review it and make a determination.

If we do not hear from you within the allotted period previously mentioned, we will request that the United States Attorney file a complaint against you, in your personal capacity, in U.S.

District Court, District of Puerto Rico, for collection of the full original amount of the penalty (\$150,713.50).

Should you, or your legal representative, have any questions regarding this matter, please contact me (Senior Attorney - Kiry Isaac Tous) [REDACTED]. All correspondence with regard to this matter should be sent to me as well. **We strongly encourage you to either pay the penalty in its entirety or contact me within 15 days to avoid litigation. Please note that any payment that you elect to submit must be made by certified check or money order, payable to "U.S. Customs and Border Protection."**

Sincerely,

A handwritten signature in black ink, appearing to be 'Kiry Isaac Tous', written over a horizontal line.

Kiry Isaac Tous
Senior Attorney

Enclosures

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gilberto Perez - Mercado

[REDACTED] 00783



9590 9402 3874 8060 0573 74

2. Article Number (Transfer from service label)

7015 0640 0002 5932 4295

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Crucita Mercado* ☐ Agent ☐ Address

B. Received by (Printed Name)

C. Date of Delivery

23/10/18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gilberto Perez Mercado

[REDACTED] 00783



9590 9402 3874 8060 0573 98

2. Article Number (Transfer from service label)

7015 3430 0000 2470 8325

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Crucita Mercado* ☐ Agent ☐ Address

B. Received by (Printed Name)

C. Date of Delivery

Crucita Mercado 12/8/18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt